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ABSTRACT

This document is intended to serve as an easy-to-use reference to the Carl D. Perkins Vocational and Technical Education Act of 1998. The document begins with an historical overview of vocational education policy and legislation for the years 1917-1998. Presented next is an analysis of the differences between the 1990 and 1998 Perkins acts. The analysis includes an overview of major differences between the two acts and a 44-page side-by-side comparison of excerpts from both acts pertaining to 57 specific topics. Among these are the following: authorization; state allotment; eligible state agency; state uses of funds; state plan duration and date of submission; state plan development; state plan contents; accountability (levels and core indicators of performance); state and local requirements regarding special populations; maintenance of effort; within-state allotments; within-state secondary and postsecondary formulas; contents of local applications for funds; and tech-prep related provisions. The next two sections of the document contain a section-by-section summary and the complete text of the 1998 Perkins Act. Appended are pertinent sections of 10 other laws referred to in the 1998 Perkins Act and 19 articles and excerpts from articles about the 1998 Perkins Act's development and passage that are reprinted from the "Vocational Education Weekly." A subject index concludes the document. (MN)

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The Official Guide to the Perkins Act of 1998

The authoritative guide to federal legislation for vocational-technical education

The Carl D. Perkins Vocational and Technical Education Act of 1998

The National Association of State Directors of Vocational Technical Education Consortium supports the American Vocational Association's efforts to develop a quality analysis and provide summative and narrative information related to the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1998.

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Introduction

The American Vocational Association (AVA) is pleased to present this comprehensive Official Guide to the Perkins Act of 1998. AVA brought you the original Guide to the 1990 Perkins Act and I am confident that you will find this new guide to be even more information-packed and, perhaps more importantly, user friendly.

The key to ensuring that your expenditures of federal funds comply with the law is a full understanding of the content and context of the legislation. AVA provides all the tools you need to understand and use the new Perkins Act in this one easy-to-use reference. You'll also find a brief history of vocational legislation that will assist you in understanding the underpinnings of the federal support for vocational education over the years.

With a detailed analysis of changes in Perkins since the 1990 Act, plus a side-by-side comparison with the old Act, the section-by-section summary, the text of the law, appendix references to related laws, and an index of key words, you will have the tools to quickly identify and interpret key provisions. This will enable you to understand the new legislation, apply its principles, and maintain program quality and fiscal integrity.

AVA is the organization in the best position to provide you with what you need to understand the new law because we have been with the legislation every step of the way as it progressed through Congress to the President's desk for signature. AVA's legislative advocacy, from AVA headquarters staff to AVA legislative network members, helped produce legislation that continues and strengthens federal support for vocational education. Anyone who benefits from Perkins Act programs can be proud that the advocacy of AVA members and AVA's strong presence in the nation's capital is responsible for more than $1 billion in funding to assist our programs that prepare students for a world class workforce.

You will notice as you read the new Perkins Act that it provides a great deal more flexibility in how funds are used. You'll also notice that there is greater emphasis placed on preparing students for highly skilled technology-related careers. As Patricia McNeil, Assistant Secretary for the Office of Vocational and Adult Education, recently told those attending an Information Technology conference sponsored by Senator Kent Conrad (D-ND), "the new vocational education Act puts a strong emphasis on preparing for high tech careers—not just entry level jobs."

(continued on page 2)

Historically, federal vocational legislation has been used to respond to the needs of our economy and the new Perkins Act does that through its emphasis on technology. This also fits with the continuing thrust of the Perkins Act to integrate academic knowledge and technical skills development and raise the level of academic performance of vocational students.

The new Perkins Act provides the direction and the funding to support continuous improvement in vocational, career and technical education. It is up to the community of vocational-technical educators across the country to make it happen every day in the classroom. I wish you the best in your efforts to improve teaching and learning and hope you will continue to look to AVA to assist you. Together we can achieve our mission of providing educational leadership in developing a competitive workforce.

Bret Lovejoy

Bret Lovejoy
Executive Director
American Vocational Association

Acknowledgements

We at the American Vocational Association wish to express our sincere appreciation to many people who have put forth enormous effort in the development of the contents of this *Official Guide to the Perkins Act of 1998*.

First, we want to thank the members of the U.S. Congress for once again reinforcing, by way of this new Perkins Act, the importance of investing in vocational and technical education in order to ensure the career futures of American students. This national policy sets a clear direction for state and local agencies as they develop programs that will equip youth and adults with the academic and technical skills they need for success in tomorrow's careers.

We also are grateful for the tremendous contribution made by the many congressional staff members who worked diligently on this reauthorization; to the staff of the Office of Vocational and Adult Education in the U.S. Department of Education for their support for this legislation and with information for this *Guide*; to our affiliated state associations, the AVA legislative network of members, and the Vocational Student Organizations for all their grass roots efforts to make sure the final legislation met the needs of our programs; and to the National Association of State Directors of Vocational-Technical Education Consortium, especially Kimberly Green, the executive director, for their energetic support of the reauthorization effort.

Central to the development of this *Guide* as well as to all of AVA's recent efforts in the reauthorization of the Perkins Act has been Nancy O'Brien, AVA Assistant Executive Director for Government Relations. She has been an indefatigable and skilled advocate for vocational and technical education and we greatly appreciate her accomplishments.

Completing a project of this scope in such a demanding timeframe was greatly assisted through the careful work of our AVA staff, especially Alex Kepnes and Emily Kleinman of the Government Relations Department; Art Director Janelle Welch and Designer Scott Melvin, who created the user-friendly format for the publication you hold in your hands, and Paul Plawin, Assistant Executive Director for Communications, who served as overall editor on the project.

Historic Overview:
A Vocational Education Era
1917-1998

In the last quarter of the 19th century, as America moved to establish public secondary schools, there were battles over the role of classical education and practical education in the educational program of the nation. With more students going to school, the narrow classical curriculum did not satisfy the proponents of an expanded curriculum to include practical education.

Around 1905 proponents of vocational education argued that a broader curriculum was needed to prepare people for the new industrial age. They wanted youth and adults to have a chance for better careers. They were unhappy that only eight percent of youth graduated from high school. These advocates also were concerned about America's ability to compete in world agricultural and industrial markets. They eventually formed coalitions to press for federal legislation.

Toward Vocational Education

In January 1914 Congress authorized the President to appoint a commission to study national aid for vocational education. U.S. Senator Hoke Smith of Georgia served as chairman. In its final report, the commission declared there was an urgent social and educational need for vocational education in public schools at less than college level and that national grants were necessary, since the problem was too large to be worked out on a local basis and the states varied widely in their ability to pay the full cost of vocational education. The commission recommended that grants be given to stimulate vocational education and for teacher training; to partially pay the salaries of teachers, supervisors and directors; and to support a federal board to make studies useful to vocational schools.

On December 7, 1915, Sen. Smith introduced Senate Bill 703 "to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

On February 10, 1916, Rep. Dudley M. Hughes of Georgia, also a member of the commission, introduced similar legislation in the House. The House Committee on Education quickly approved it, stating, "It is especially designed to prepare workers for the most common occupations in which the great mass of our people find useful employment...to give training of a secondary grade to persons over 14 years of age for...employment in the trades and industries, in agriculture, in commerce and commercial pursuits, and in callings based upon...home economics."

The House committee report also noted that the aspirations of most young people were denied in an educational world that prepared only the few for college. They deplored the drop-out rate in the early years of schooling--not only did students leave school without an adequate general education, they also had no special education to prepare them for work.

In his message to Congress in December, 1916, President Woodrow Wilson urged passage of the bill. He said vocational and industrial education were of vital importance to the whole country "for the critical years of economic development immediately ahead of us."

Final legislative action was completed on February 17, and President Wilson signed the Smith-Hughes Vocational Education Act into law on February 23, 1917.

The Start of Federal Funding

Many of the vocational education issues addressed in the Smith-Hughes Act endure to this day.

- The Act provided an appropriation of $1.7 million for the year 1917-1918, with funding increasing at intervals to $7.2 million for 1925-26.
- The act also created a federal Board for Vocational Education to administer the new law's provisions. The members included the Secretaries of Commerce, Agriculture and Labor, the Commissioner of Education and three appointed citizens.
- States were required to create state boards for vocational education, which would prepare a plan, to be approved by the federal board, for operation of state vocational education programs. The state or local community was required to match each dollar of federal money appropriated to the state.

In the World War I years thousands of civilian workers in war industries learned their skills in vocational education classes--skills they put to good use in the post-war economy. Vocational education enrollment increased steadily during this period of increasing appropriations, reaching almost 900,000 by 1926.

American Vocational Association and Beyond

In 1926 the National Society for Vocational Education and the Vocational Education Association of the Mid-West merged to form the American Vocational Association, which would continue to give vocational education a united voice before Congress.

In the early 1930s, with Congress in the mood for curtailing federal expenses, the vocational education field had to mobilize to prevent all Smith-Hughes appropriations from being eliminated over time. In the end, the idea of permanent appropriations for vocational education prevailed. However, the Federal Board for Vocational Education became a weak advisory body, and President Franklin D. Roosevelt transferred its functions to the U.S. Office of Education in 1933.

By 1936 in the George-Deen Act, Congress had authorized a total of $14.55 million for vocational education. But unlike the Smith-Hughes Act, which provided grants in perpetuity, this act merely authorized Congress to appropriate an amount of money not to exceed the total

Vocational Education Support Through the Years

1905

Advocates of "practical education" argue for broader public school curriculum that prepares graduates for jobs.

January
1914

Sen. Hoke Smith chairs commission on national aid for vocational education.

December
1915

Smith introduces bill "to provide for the promotion of vocational education ..."

February
1916

Rep. Dudley M. Hughes introduces similar legislation in House.

February
1917

Smith-Hughes Vocational Education Act gives voc ed $1.7 million for 1917-18 and creates federal board.

1926

Voc ed enrollment exceeds 850,000; states get $7.2 million for programs.

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authorization of the act; it permitted Congress to determine anew the amount actually appropriated for each year's budget.

During World War II, vocational education was an integral part of the National Defense Training Program, which trained nearly 7,500,000 persons for defense and war production employment.

The Road to Perkins

From the late 1950s through the 1960s a good deal of criticism was leveled at vocational education. But the field withstood this test, and Congressional action in the '60s vastly expanded vocational education's role and scope. This period saw the advent of area vocational schools and special training programs for displaced and unemployed persons.

In 1963 vocational education bills based on recommendations of a Presidential study were introduced to replace the expiring federal legislation. Vocational educators objected to many provisions in those bills and promoted substitute legislation, HR 4955, which was introduced in the House by Rep. Carl D. Perkins of Kentucky. Perkins was one of the most influential advocates for vocational education in Congress and later became chairman of the House Education and Labor Committee. President Lyndon B. Johnson signed the Vocational Education Act of 1963 (Public Law 88-210) in December.

Amendments to that Act in 1968 provided total funding authorization of more than $800 million for fiscal year 1970, although only $365 million was actually appropriated.

By 1976, federal legislation was beginning to push vocational education to address social issues, such as the needs of disabled and disadvantaged students. That trend continued in the 1980s. The Carl D. Perkins Vocational Education Act of 1984, which established funding authorization for a five-year period, focused on improving vocational programs and serving special populations of students.

The law was reauthorized in 1990 as the Carl D. Perkins Vocational and Applied Technology Education Act. This new Perkins Act increased the federal funding authorization for vocational education to $1.6 billion a year through 1995. While Congress rarely appropriates funding up to the levels authorized, the authorized level reflected Congress' continued commitment

1929

Congress increases annual appropriations for home economics and agriculture education.

1936

George-Deen Act authorizes $14.55 million for voc ed.

1940s

Vocational education students, facilities used to aid war effort.

1963

Rep. Carl D. Perkins introduces bill to replace Smith-Hughes Act.

1968

Amendments authorize $800 million for voc ed; Congress appropriates $365.3 million.

1984

The Carl D. Perkins Vocational Education Act establishes funding authorization for a five-year period

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to, and support of, vocational education.

The new Perkins Act reflected the education policies and reform efforts of the time. The 1990 Act placed a great deal of emphasis on the integration of vocational and academic instruction. Congress believed that for vocational education to remain relevant and be able to prepare students for the increasingly technological and complex jobs of the future, that it would have to teach broader skills and incorporate basic academic concepts into its curriculum.

The new law further strengthened the provisions related to providing educational services to disadvantaged, disabled and other special population students. The Act also instituted federal funding for a new program called "Tech Prep" that had been championed by the chairman of the Education and Labor Committee, William Ford (D-MI). Both tech prep and the integration of academic and vocational instruction were intended to position the Perkins Act as a tool for educational reform by linking vocational education more closely with academics and with instruction at the postsecondary level.

Setting the Stage for the 1998 Perkins Act

In 1995 when Congress was scheduled to once again reauthorize the Perkins Act, the political climate was much different than in 1990. In 1994, the Republican party gained majority control of the House of Representatives for the first time in 40 years. With the Senate also having become majority Republican in 1994, the stage was now set for a very different agenda for education policy. The Perkins Act became a test case for education reforms that were long-advocated by Republicans, but ignored by Democrats in Congress and the White House.

When the House and Senate began to hold hearings on reauthorizing the Perkins Act, it became clear that Congress had two major objectives. The first was to consolidate and combine the myriad of separate programs that had been created over the years into a more cohesive, streamlined program. The second objective was to reduce the federal requirements and presence in largely local- and state-funded education programs by "blockgranting" the programs and the funds to state governments to administer as they see fit.

1990

Reauthorized Perkins Act authorizes up to $1.6 billion a year through 1995 for vocational education, including tech prep.

April

1994

Congress passes School-to-Work Opportunities Act, which pledges hundreds of millions to states that reform traditional education systems.

January

1995

Control of House and Senate shifts to Republicans. Newt Gingrich (R-GA) elected speaker.

February

1995

Congress begins Perkins reauthorization process and proposes to combine with job training and block grants to states.

October

1998

President Clinton signs new Perkins Act into law.

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While the proposed block grants would offer funding to the states with far less "red tape" requirements, historically, programs that have been block granted gradually receive less and less funding. In addition to block granting the Perkins Act, Congress proposed to combine it with the Job Training Partnership Act, removing it from the oversight of educational authorities and allowing governors unprecedented authority to spend federal funds designated for vocational education on programs to retrain disadvantaged adults.

At the same time, Congress also was facing a backlash from conservative groups, which had mounted a campaign against the 1994 School-To-Work Opportunities Act (STWOA). These groups associated STWOA with the Democratic Administration of President Clinton and saw this Act as an intrusion on local, and parental, control of education because of its stated goal of creating school-to-work systems for "all students." They viewed school-to-work as a program that would limit rather than enhance their children's educational and career choices.

Because the education initiatives proposed by the Republican-controlled Congress were far-reaching and controversial and the voting majority held by the Republicans was slim, final Perkins Act legislation failed to pass in the Senate during the 104th Congress. Though the Perkins Act technically expired in October 1995, it was extended and funding was appropriated pending completion of a reauthorized Act.

In 1997, the 105th Congress reintroduced the Perkins Act reauthorization and began the process all over again. With two very different bills approved by the House and the Senate, a long process of negotiation and compromise through much of 1998 resulted in a new Perkins Act that was signed into law on October 31. The new law offers vocational education greater flexibility in how federal funds are spent, while maintaining vocational education as a separate program administered through the educational system. The reform initiatives of tech prep and the integration of academic and vocational instruction are continued, and the requirements of the Act are streamlined and simplified.

Nearly 82 years after the passage of the Smith-Hughes Act, vocational educators are again learning the intricacies of a new federal law for administering Perkins Act funds and programs. Once again, Congress has reconfirmed the importance of vocational education in preparing a highly skilled and educated workforce. Once again the American Vocational Association is committed to helping the field use the new Perkins Act to benefit vocational education students and programs.

Analysis: Perkins 1990 to 1998

Introduction

There are many similarities and some significant differences in the 1990 and 1998 Perkins Acts. The basic structure of the law remains familiar—a state grant, administered by the the U.S. Department of Education, with a firm expectation of accountability for the use of the federal funds provided. The devil is in the details. This analysis provides explanations for the key changes in the new law and some background information that will help you understand why these changes were made.

Overview

Overall, what one notices immediately about the new Perkins Act is that it is much shorter than the 1990 Act. This brevity reflects the driving forces behind the reauthorization process in Congress—to streamline, simplify, and increase flexibility. The initial drive to turn the Perkins Act into a block grant is responsible for the elimination of many of the burdensome requirements from the old Act and the increased flexibility the new law provides to state and local recipients. The new Act also eliminates several programs that were authorized, but never funded under the 1990 Act, as well as eliminates the authorization for a state council on vocational education.

Several of the definitions have been slightly altered and it is wise for Perkins funds administrators to understand the subtle differences. While the definition of vocational education uses many of the same words, it is structured differently. While the terminology "sole state agency" is no longer used, the definition of "eligible agency" serves as a substitute.

Throughout the 1998 Act there are increased references to technology use in the classroom, teacher training in technology, and distance learning. This reflects the intent of Congress to ensure that programs receiving funds under the new Perkins Act respond to the economic and employment realities we face. Historically, federal vocational education legislation has been a vehicle for Congress to promote preparation in the skills that are needed by business and industry. Indeed, the lack of a technologically and technically skilled workforce informed much of the debate in Congress as the legislation progressed through committee hearings, mark-up and final passage. Recipients of Perkins funds should work to ensure that their programs adjust to industry needs and to fulfill the purposes of the Perkins Act.

As you read the legislation and the section-by-section summary of the Act, you also will notice many references to the Workforce Investment Act (WIA). This is due in large part to the fact that the Perkins Act was part of the WIA in the early stages of the legislative process. In the 104th Congress, the Perkins Act provisions were part of the House "CAREERS" bill that never secured final passage in the Senate. When Congress began consideration of the Perkins Act again in the 105th Congress, it was the Senate that had merged the Perkins Act with job training programs run by the U.S. Department of Labor. Ultimately, the two bills were separated, but several provisions were retained to enhance coordination between vocational education and job training programs. Among them is the ability for a state to submit a unified plan combining, among others, plans for job training, adult education and vocational education. Additionally, a small percentage (0.54%) of Perkins funds must be set-aside for Incentive Grants awarded by the Secretary of Labor if a state exceeds its performance levels under all three programs.

Of all the changes the most important is the flexibility the new Act affords states and local recipients of funds. This does not mean that there are no requirements that must be met. In fact, you will see the provisions on accountability are extensive and may require new and different data collection. Generally speaking, however, states and localities have much more leeway in how funds are spent. At the state level, the requirements for a sex equity coordinator have been removed, as well as the need to have a committee of practitioners, personnel to monitor compliance with IDEA and civil rights laws with respect to special population students, and reporting on state-imposed program requirements. That is not to say that some or all of these activities are not worthwhile, but each state has the ability to choose how to achieve the goals of these previous federally imposed rules. There is also more local flexibility in the uses of funds due to the removal of the various assurances and program requirements imposed by the 1990 law. This should result in more funds directly benefiting the classroom.

Accountability

Increased accountability is a cornerstone of the new Act, and states will need to adjust to new data collection and reporting requirements. At the very least, states must report student achievement in a way they never have before.

The law's accountability requirements are complex and couched in language that may be open to interpretation. It calls for each state, in cooperation with the U.S. Education Department, to set expected performance levels for four categories:

- Student attainment of vocational, technical and academic skill proficiencies.
- Acquisition of secondary or postsecondary degrees or credentials.
- Placement and retention in postsecondary education or employment.
- Completion of vocational and technical programs that lead to nontraditional training and employment (meaning fields in which one gender accounts for less than a quarter of the participants).

The performance levels for these "core indicators" must be expressed in percentages or numbers to make sure they are "objective, quantifiable and measurable." The Perkins Act also requires states to "continually make progress toward improving the performance of vocational and technical education students." Each state will have to make public how well it meets the expected performance levels; the Education Department will pass the results to Congress and issue state-by-state comparisons.

If a state fails to meet its performance levels and does not establish a plan to improve, the department can withhold all or part of a state's vocational education funding. Conversely, a new incentive program is created to reward states that exceed their performance levels.

The 1990 law required states to develop performance measures for the first time. Up to now states have tracked student learning and competency gains and measured attainment of certain occupational competencies. But these performance measures are not nearly so extensive as those required by the new Perkins Act, and it's unclear how state-mandated academic standards will fit with the academic requirements in the 1998 Perkins Act.

Distribution of the State Allotment

As in the previous law, once a state receives its federal funds allotment, the 1998 Perkins Act gives specific direction as to how the funds will be divided between state and local uses — at least in the form of minimum amounts that must be spent on local activities. One of the biggest issues dividing the House and Senate in reaching final agreement on the provisions of the 1998 Perkins Act was how much money should be sent to the local level and how much could be reserved for use for state level activities, including activities coordinated by the state to support local programs.

State Administration and Leadership Funds

From the state allotment, a total of 15 percent is available to support state-level activities in two categories: administration and leadership.

Funds for state administration (up to 5% or $250,000, whichever is greater, of the total state allotment, the same percentage as in 1990) may be used for a specific list of activities that focus on compliance issues, planning, monitoring and evaluating the use and effectiveness of the funds provided to the state under this Act. One key change in the use of administrative funds involves gender equity. The 1990 law required that a minimum of $60,000 be "set-aside" for gender equity and the hiring of a coordinator. Under the 1998 Act, gender equity activities are funded under state leadership (see below) and there is no requirement to hire specific personnel to administer the program.

State leadership funding has been increased to 10% of the total state allotment (from 8.5% in 1990), but the extra money comes with some obligations to cover activities that in 1990 got specific funding.

The first one deals with the new law's version of gender equity, now termed "nontraditional training and employment." The objective basically is the same as the previous law's "gender equity" language — nontraditional training and employment programs are intended to encourage men and women to go into high-skill careers that are not traditionally associated with their gender. The set-aside for this purpose requires that at least $60,000 and not more than $150,000 (at the discretion of the eligible state agency) be spent on these activities. There is no requirement that a gender equity coordinator be hired.

The second set-aside supports vocational and technical education for individuals in state institutions such as correctional facilities and those for persons with disabilities. The new law allows up to a maximum of 1% of the total state allotment to be spent on these activities. The previous law had mandated that 1% be used just for vocational education for youth and adults in designated state correctional agencies.

The remainder of state leadership funds are to be used for a number of "required" and additional "permissible" activities listed in the law. These encompass a wide array of activities that include, importantly, professional development, program improvement and curriculum development.

Funding for Local Programs

The new law is clear that no less than 85% of the total state allotment (known as the "basic state grant") must be used for grants to local vocational and technical education programs. Of this amount, as much as 10% (8.5% of the total state allotment) may be held in "Reserve" for distribution to local programs meeting specific eligibility requirements having to do largely with balancing the needs of rural and urban populations.

Rural Areas and the "Reserve." One of the highest priority issues for the House during this reauthorization was to ensure that rural areas receive adequate funding. The House proposed several initiatives with the goal of driving more money to rural areas. This desire to get more funding for rural areas was due in large part to the fact that the 1990 Perkins Act formula directed a much greater percentage of funds to high population urban areas (traditionally Democratic districts). Although the House did not intend to drain urban areas of critically needed funding (and, indeed, the rural area proposals did not diminish urban funding substantially), the issue nevertheless boiled down to increasing funds to rural areas.

After contentious battles in hearings of the House Committee on Education and the Workforce and much behind-the-scenes, heated negotiation, House Republicans and Democrats reached a compromise that created a significant new element of flexibility in the Perkins law - the "Reserve."

This concept allows the eligible state agency to distribute a portion of the local funds in a manner not tied to the in-state distribution formulas. Thus, a state may reserve up to 10% of the 85% that is to go to local programs (8.5% of the total state allotment) for distribution to areas that meet one of these four criteria:

1) rural areas.
2) areas with a high percentage of vocational and technical education students.
3) areas with a high numbers of vocational and technical education students.

4) communities that receive decreased funds due to the change in factors for the secondary in-state distribution formula.

When awarding grants under the reserve, the eligible agency must ensure that the grants serve at least two of the four categories listed above.

These four options make it possible that both rural and urban areas can be eligible for these funds. For example, though an area may have only a few or a few dozen students, if a large percentage are in vocational and technical education, the program could receive funds under the Reserve. By also including high numbers of students in vocational and technical education, urban areas also could qualify even if their percentage is low. Also, because the change in factors of the in-state secondary distribution formula is expected to result in a slight change in distribution, which could affect urban areas, such areas could be considered to be negatively affected and therefore eligible to receive funds from "the Reserve" under criterion number 4.

While the reserve does not specify that funds be divided between secondary and postsecondary eligible recipients, it does specify that grants made under the reserve must be spent according to the local uses of funds requirements of section 135. The state's flexibility is in the distribution of funds, not their use. It is almost certain that this area of the new Perkins Act will require regulations from the U.S. Department of Education to ensure proper administration of funds.

The state eligible agency determines how the balance of the funds not held in reserve or used for state level activities (at least 76.5% of the total state allotment) are to be divided between local secondary and postsecondary programs. With that determination, the funds are then sent down to local eligible recipients (local education agencies or postsecondary institutions) for disbursement through the in-state distribution requirements in sections 131 and 132 of the law.

The House Republicans strongly advocated that at least 90 cents of every federal dollar appropriated to the Perkins Act should go directly to the classroom where "teachers know students' names" and better understand their needs. During the Perkins debates, it seemed to be a "line in the sand" and came very close on several occasions to killing the bill. This was the theme of several block grant initiatives that were considered in the 105th Congress and it is also expected to be a very visible and politically charged issue during the next reauthorization of the Elementary and Secondary Education Act (ESEA).

At the same time, the Senate Republicans wanted to increase funding for state administration and leadership activities. A final compromise eliminated a state-level set-aside in the 1990 law that focused funds on activities for specific populations and narrowly defined purposes, which pushed the state administration and leadership share in the 1998 law to 15%, up from 13.5% under the previous law. A bonus was that more money was "added" to the total amount being driven locally (from 75% in 1990 to at least 85% in the 1998 law including funds that were in set-asides in 1990).

Secondary and Postsecondary. The law contains separate distribution formulas for secondary and postsecondary education. The main change in the secondary in-state distribution formula is a shift away from reliance on factors from other education laws. The House initially sought a substantial change in the weightings, with less reliance on poverty and greater weight given to population for determining funding allotment. But the desired goal—to help rural areas—was not achieved under various versions of this proposal. In fact, tests of the formula showed that making such shifts away from poverty in many instances would have benefited wealthier school districts while poorer rural and urban districts would have lost funds.

So the House and Senate kept the poverty weighting the same as in the 1990 law (70%), but instead of linking weighting to the formula for Title I of the ESEA, the new law provides a detailed poverty calculation that is not subject to the fluctuations of other education laws. In addition, the new law replaces other factors (20% IDEA population and 10% population) with a simpler 30% population factor (which prevents fluctuations when IDEA is changed).

This new formula, which is not activated until Fiscal Year 2000, is expected to closely mimic the previous law's formula. However, it is possible that an area will lose money as a result of the change and therefore could qualify to receive funds under "the Reserve."

The new law continues the requirement that secondary programs or consortia thereof must qualify for at least $15,000 to receive a grant, and postsecondary programs or consortia must qualify for at least $50,000 to receive a grant. But there are several changes in the provisions relating to consortia.

- The 1998 law specifically enables secondary and postsecondary consortia to work together to provide secondary, postsecondary and adult education services. However, each must qualify for funding on its own under the applicable distribution requirements.
- Charter schools established under state charter school requirements are not to be denied funds on the basis of their status as charter schools as long as they meet state and local requirements for public charter schools.

The waiver rule. In another significant change relating to the in-state secondary formula, the 1998 Act permits a "waiver for more equitable distribution." This allows the Secretary to grant a waiver if the eligible agency shows that the proposed alternative formula is more effective in targeting poverty. In the 1990 law such a waiver was permitted only for the postsecondary formula, which continues in the 1998 Act.

Area Vocational and Technical Schools. Two very significant changes are made to the distribution requirements for funds going to area vocational and technical schools (AVTS) or educational service agencies (ESA). The previous law and the current law both require that an area vocational and technical school or education service agency and the local education agency must enter into a consortium or cooperative agreement to be eligible to receive funds. But the new law eliminates two troublesome provisions from the previous law.

First, the new law eliminates the requirement that an AVTS or ESA serve an approximately equal or greater proportion of students with disabilities and economically disadvantaged students than the schools in the LEAs sending students to the AVTS or ESA. While well-meaning in its intent to ensure access to programs for students with disabilities and disadvantages, this provision resulted in "quotas" or the inappropriate placement of students with special needs in vocational and technical education without regard to students' individual educational needs or career goals.

Second, the new law eliminates the option for an LEA to devise its own method of distributing funds to an AVTS or ESA, which often resulted in shortchanging the AVTS or ESA.

Tech Prep Funds. The distribution of tech prep funds remains under the purview of the eligible agency, which may distribute funds on a competitive basis or on the basis of a state-determined formula.

Unlike the basic state grant funds that come to the state, tech prep funds are not subject to the requirements for reserving state leadership or administration, or to the option of the "reserve" distribution. All tech prep funds come to the state under the same federal-to-state formula as the basic state grants.

The 1998 Perkins Act makes a few significant changes to the tech prep program. The program content requirements are rewritten to include work-based and work-site learning in conjunction with business, and uses of technology and distance learning, as appropriate, to involve all consortium partners in the program. Most significantly, tech prep is expanded to allow "at least" two years of secondary and two years of postsecondary education. In other words, your tech prep program may start in the ninth grade or extend to a four-year college program, if appropriate. The new provisions also allow students to enroll concurrently in secondary and postsecondary coursework.

Political Issues and Trends

Greater Flexibility at the Local Level

Perkins funds are intended to serve all students at the public secondary and two-year postsecondary levels who are interested in vocational and technical education programs. However, in developing this legislation considerable disagreement arose between Republicans and Democrats as to the best way to serve students.

Republicans viewed the 1990 law's myriad set-asides and directives focusing on specific segments of the population as a hindrance to serving all students well. They argued that with the focus so predominantly on specific categories of individuals, the programs were becoming narrow services for specific groups of students and that students who are not members of special populations and their parents view vocational education programs as solely for meeting the needs of special populations. Therefore, other students are less likely to enroll. Thus, it follows that if you don't have special needs, you don't belong in vocational and technical education because it is a special needs program. This left many students floundering in "general education" programs, not learning much that would prepare them for either careers or postsecondary education.

Democrats, on the other hand, argued that without the focus on special populations, students with special needs would be left out of the system. They argued for more money and a greater focus on special populations.

The result in the 1998 Perkins Act is an effective compromise that eliminates unintentionally harmful provisions that hurt rather than help students with special needs. It requires states and local eligible recipients to demonstrate how they are serving special populations effectively without imposing so many requirements that, in effect, a local program would have to focus all of its federal dollars on special populations to the neglect of other students and general program improvement. State and local recipients are held accountable for providing these services but are given far greater flexibility in how they accomplish the task. They are expected to serve all students well, including special populations.

Gender equity. Another highly contentious issue regarding targeted groups is that of single parents, single pregnant women, parenting teens, displaced homemakers and the area of nontraditional training and employment. In the new law, those groups are included in the new definition of "special populations" and are to be served with all other students. Again, state and local eligible recipients are held accountable for providing effective services that meet the needs of all.

During final negotiations on the Perkins bill, controversy over gender equity provisions nearly caused the bill to die. As gender equity advocates pushed for a greater share of funds, Republicans and Democrats found themselves at loggerheads. A last-minute compromise, however, retains the 1990 law's $60,000 set-aside in this area, but now it is a $60,000 minimum (up to $150,000) set-aside and it is for services to prepare students for nontraditional training and employment, with no requirement for a full-time gender equity coordinator in each state.

Professional development. The new law shows a strong commitment to professional development for vocational and technical educators. Throughout the legislation, significant focus is placed on professional development, specifically to include teachers, administrators, counselors and other vocational and technical education personnel. In addition, the 1998 Act emphasizes not only in-service training, as did the previous law, but also adds pre-service training to ensure that new educators are prepared to provide high quality vocational and technical education.

Also, nonprofit private school vocational and technical educators may, at the discretion of the state eligible agency or local eligible recipient, participate in professional development activities being offered by the eligible agency or eligible recipient in their geographic area.

Age groups served by vocational and technical education. Certain conservative groups worry that school-to-work programs would have the government choosing careers for students and tracking them along narrow education and training paths starting as early as elementary school. Thus in the 1998 Perkins Act there is a prohibition on using Perkins funds for programs below the seventh grade.

Voluntary participation. To assuage another concern of these groups—that students might be forced into vocational and technical education—the 1998 law states that students must voluntarily choose vocational and technical education. Further, the law prohibits the use of funds to force any student to choose a program that requires attainment of a federally funded skill certificate or certificate of mastery.

School-to-Work. Another effort to address the fears that the government (particularly the federal government, but also state and local governments) would force students into job training programs is the new law's ban on using Perkins funds to carry out School-to-Work Opportunities Act provisions, which are seen by some as federally mandated tracking that forces all students to choose careers at very young ages. At the same time, activities that are allowable under the Perkins Act and also happen to be similar to STWOA activities are not affected by this ban.

Private and home schools. While succeeding in getting assurances in the law that public school students would not be "forced" into vocational and technical education, the conservative groups also got assurances that the federal law would not prohibit private or home school students from participating in the public vocational and technical education programs and services under this Act. State and local officials are given the discretion to determine policies regarding such participation, while the law also restates existing policy that this Act creates no new federal authority over any aspect of private, religious or home schools.

Looking Ahead

The passage of new legislation reauthorizing vocational education always makes for exciting times. Because the 1998 Act was a work in progress for three years, its passage and signing into law is made all that more important. Now comes the hard part: ensuring that state and local programs make wise investments with the federal resources.

While the 1998 Act may provide more flexibility in how its funds are used, there is always a danger in that flexibility - the danger that the purposes of the Act and congressional intent will not be fulfilled. It is incumbent upon all in the vocational community to ensure that the letter of the law, and its intent, are followed. It is also imperative that local recipients and state eligible agencies view the state levels of performance as a barometer of program improvement. Future political support for vocational education depends upon demonstrating the effectiveness of programs, the positive results achieved by vocational graduates, and a high level of satisfaction of business.

It is the hope of the American Vocational Association that this Guide, the resources provided through our government relations effort, and the general benefits of membership in the professional association enable you to continuously improve your programs, meet the educational needs of students and the skill needs of employers to ensure continued strong public support for vocational education.

Comparison of the 1990 and 1998 Perkins Acts

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Authorizations	$1.6 billion is authorized for the basic State grant, of which 1.25% is reserved for Indian programs, 0.25% is reserved for Native Hawaiian programs, 0.2% is reserved for the territories, and 2.5% is reserved for national programs.	Such sums are authorized for FY 99 and each of the 4 succeeding fiscal years for the basic State grant, of which 1.25% is reserved for Native American programs, 0.25% is reserved for Native Hawaiian programs and 0.2% is reserved for the outlying areas. In FYs 2000 – 2003, 0.54% of the appropriation is reserved for incentive grants. *[section 111(a)]* National programs are authorized at such sums for FY 99 and each of the 4 succeeding fiscal years. *[section 114(c)(8)]*
	Tribally controlled community colleges are authorized at $4 million.	Tribally controlled community colleges are authorized at $4 million for FY 99 and each of the four succeeding FYs. *[section 117(i)]*
	Tech-Prep is authorized at $125 million.	Tech-Prep is authorized at such sums for FY 99 and each of the four succeeding FYs. *[section 208]* Tech-Prep high school/community college co-location demonstration program is authorized at $25 million for FY 99 and each of the four succeeding FYs *[section 207(e)]*
	Support for National Occupational Information Coordinating Committee is an authorized use of national program funds.	Development and dissemination of occupational and employment information is authorized at such sums for FY 99 and each of the four succeeding FYs. *[section 118(f)]*
State Allotment	50%--population aged 15 to 19 20%--population aged 20 to 24 15%--population aged 25 to 65 15 %--population aged 15 to 65 *Small State Minimum Allotment*: 0.5% of appropriation, except that the minimum allotment for the Virgin Islands shall be not less than $200,000.	50%--population aged 15 to 19 20%--population aged 20 to 24 15%--population aged 25 to 65 15 %--population aged 15 to 65 *Small State Minimum Allotment*: 0.5% of appropriation. *[section 111(a)(2),(3)]*

Analysis was prepared by U.S. Dept. of Ed. and is in the public domain.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Allotment Ratio	0.4 - 0.6	0.4 - 0.6 *[section 111(c)]*
Within-State Allotment	Not less than 75% distributed to local programs	Not less than 85% distributed to local programs, of which: States may reserve not more than 10% for distribution to local programs in rural areas, areas with high numbers or percentages of vocational students, and areas negatively impacted by changes in within-state secondary school formula *[section 112(a), (c)]*
	Not more than 8.5% may be reserved for State leadership activities 10.5% of State allotment shall be reserved for programs for single parents, displaced homemakers, and single pregnant women and programs that promote sex equity in vocational education, of which: Not less than 7% of allotment shall be used for the program for single parents, displaced homemakers, and single pregnant women. Not less than 3% of the allotment shall be used for the sex equity program. 0.5% of the allotment may be used for either the program for single parents, displaced homemakers, and single pregnant women or the sex equity program 1% of State allotment shall be reserved for programs for criminal offenders	Not more than 10% may be reserved for State leadership activities, of which: Not less than $60,000 and not more than $150,000 of state leadership funds shall be available for services that prepare individuals for non-traditional employment An amount equal to not more than 1% of the state allotment shall be available to serve individuals in State institutions.
	Not more than 5% (or $250,00, whichever is greater) may be reserved for State administration, of which not less than $60,000 shall be reserved for a full-time sex equity coordinator	Not more than 5% (or $250,00, whichever is greater) may be reserved for State administration. *[section 112(a)]*

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TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Eligible State Agency	State board of vocational education designated or created consistent with State law as the sole State agency responsible for the administration or supervision of the State vocational education program.	Same as previous law. *[section 3(9)]*
Role of State Agency	State board establishes, collects, and disseminates performance information; awards grants to LEAs; distributes funds; writes State plan; and coordinates activities with State Job Training Coordinating Council. State board required to establish technical committees to provide advice on the development of model curricula to address labor market needs.	State board establishes, collects, and disseminates performance information; awards grants to LEAs; distributes funds; writes State plan; and coordinates activities with State workforce development board. Requirement for technical committees is repealed. *[section 121(a)]*
State Uses of Funds—Programs for Sex Equity and Single Parents, Displaced Homemakers, and Single Pregnant Women	10.5% of State allotment shall be reserved by the State board for programs for single parents, displaced homemakers, and single pregnant women and programs that promote sex equity in vocational education. Not less than 7% of allotment shall be used for the program for single parents, displaced homemakers, and single pregnant women. Not less than 3% of the allotment shall be used for the sex equity program. 0.5% of the allotment may be used for either the program for single parents, displaced homemakers, and single pregnant women or the sex equity program.	State board shall make available not less than $60,000 and not more than $150,000 of funds authorized for State leadership activities for services that prepare individuals for non-traditional employment. *[section 112(a)(2)(B)]* Non-traditional employment is defined as occupations or fields of work for which individuals from one gender comprise less than 25% of those employed in the occupation or field of work. *[section 3(17)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
	A number of state and local requirements are set out concerning services to members of special populations. Individuals participating programs designed to eliminate sex bias are included in the definition of "special populations." Single parents, displaced homemakers, and single pregnant women are not included in the definition.	A number of state and local requirements are set out concerning services to members of special populations. Individuals preparing for nontraditional employment, single parents (including single pregnant women), and displaced homemakers are included in the definition of "special population." *[section 3(23)]* Definition of "displaced homemaker" removes requirement that individual be an adult. *[section 3(7)]*
State Uses of Funds—Criminal Offenders	1% of State allotment shall be used for services to juvenile and adult offenders, including individuals incarcerated in local institutions.	State board shall make available a portion of State leadership funds in an amount not more than 1% of State allotment to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities. State plan must describe how Perkins funds will be used to serve individuals in State correctional instiutions.
	State board shall designate 1 or more State correctional agencies to administer programs	Does not require designation of State correctional agencies to administer funds
	In administering program, each designated State correctional agency shall give special consideration to services for offenders preparing for release and to providing grants for the establishment of programs in institutions that do not have such programs; provide vocational education programs for women who are incarcerated; improve equipment; cooperate and coordinate with local recipients of Perkins Act funds in providing services before and after release.	No comparable requirements. *[section 112(a)(2)(A)]*
	A number of state and local requirements are set out concerning services to members of special populations. Individuals in correctional institutions are included in the definition of 'special populations."	A number of state and local requirements are set out concerning services to members of special populations. Individuals in correctional institutions are not included in the definition of "special populations." *[section 3(23)]*

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TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Uses of Funds—Required State Leadership Activities	8.5% of basic State grant allotment may be reserved for State leadership activities.	10% of basic State grant allotment may be reserved for State leadership activities, of which:
	Separate set-aside for sex equity, displaced homemakers, single pregnant women.	Not less than $60,000 and not more than $150,000 of state leadership funds shall be available for services that prepare individuals for non-traditional employment
	Separate set-aside for criminal offenders.	An amount equal to not more than 1% of the state allotment shall be available to serve individuals in State institutions. *[section 112(a)(2)]*
	Assessment of the quality of vocational education programs in the State is not a required use of leadership funds, but is required as part of the development of the State plan. The law specifies 10 factors that must be addressed in the assessment.	Assessment of vocational and technical education programs assisted under the Act, including an assessment of how needs of special populations are being addressed and how programs are designed to enable members of special populations to meet State performance levels, is a required State leadership activity.
	Other required uses of funds include: • Professional development • Curricula that integrates academic and vocational education and provides coherent sequence of courses	Other required activities include: • Professional development • Supporting programs that integrate academic and vocational education • Developing, improving and expanding use of technology • Supporting partnerships of LEAs, institutions of higher education, adult education providers • Supporting programs for special populations, which includes single parents (including single pregnant women), individuals with disabilities, economically disadvantaged, individuals preparing for non-traditional employment, displaced homemakers, individuals with limited English proficiency or others barriers to educational achievement *[section 124(b)]*

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TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Uses of Funds—Administration	State board may reserve 5% of allotment or $250,00, whichever is greater, for administration. Funds reserved for administration must be matched dollar-for-dollar from non-Federal sources.	Same as previous law.
	State shall assign 1 full-time employee to administer program for single parents and displaced homemakers and sex equity program, analyze data on effectiveness of programs in meeting needs of women, review and comment on local plans, review programs for sex stereotyping and bias, review proposed actions of State board, and provide technical assistance. State shall reserve $60,000 of funds authorized for State administration of the Act to carry out this requirement.	There are no specific personnel requirements with respect to sex equity. There is no requirement concerning the use of State administrative funds for a sex equity coordinator. *[section 112(a)(3), (b)]*
State Uses of Funds—Permissible Uses	• promotion of partnerships among business, education, industry, labor, community-based organizations, or governmental agencies	• education and business partnerships
	• support for tech-prep programs	• establishment of agreements between secondary and postsecondary institutions to provide postsecondary education and training to participating students, such as tech-prep programs
	• support of vocational student organizations, especially recruitment efforts to increase minority participation	• support of vocational student organizations, especially recruitment efforts to increase minority participation
	• leadership and instructional programs in technology education • data collection	• technical assistance for local programs • improvement of career guidance and academic counseling • support for cooperative education • support to improve or develop new courses • providing vocational and technical education programs for adults and school dropouts to complete secondary education • providing assistance to participating students to obtain employment or continue their education • support for public charter schools operating vocational and technical education programs • support for programs that offer experience in, and understanding of, all aspects of an industry *[section 124(c)]*

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TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Other State Personnel Requirements	State board shall designate or assign State employee responsible for administering Part B of IDEA to review all or a sample of local plans to assure that the provisions of the Act which pertain to individuals with disabilities are being implemented. State board shall designate or assign State employee responsible for administering Title I to review all or a sample of local plans to assure that the provisions of the Act which pertain to economically disadvantaged students are being implemented. State board shall designate or assign State employee responsible for administering programs for students with limited English proficiency to review all or a sample of local plans to assure that the needs of students with limited English proficiency are being met.	No comparable requirements.
State Plan—Duration and Date of Submission	Initial 3-year plan and 2-year plan thereafter, with annual revisions as necessary. Requires submission of State plan by May 1 of the FY preceding the beginning of the FY for which plan to take effect.	5-year plan, with annual revisions as necessary. After second year of plan, State shall review activities assisted under Part B and submit any necessary revisions to plan. Date of submission determined by the Secretary. *[section 122(a)]*
Unified Workforce Investment Act Plan	No authority to submit Perkins State plan in conjunction with plans for Labor Department programs or Adult Education Act program.	State may submit a unified plan under section 501 of the Workforce Investment Act in lieu of a separate State plan. Contents of unified plan relating to the Perkins Act must meet all of the requirements of the Act. *[section 122(d), Workforce Investment Act section 501]*
State Plan Development	In developing State plan, State board is required to hold public hearings to permit members of the public to make recommendations and comment on state plan. Summary of recommendations and board's response must be included in state plan.	Same as previous law. *[section 122(a)(3)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Plan Development (cont'd)	State board shall develop "effective procedures," including an expedited appeals process, to enable public to directly participate in State and local decisions that influence the character of programs under the Act affecting their interests.	State board must develop "effective activities and procedures" to enable public to participate in State and local decision-making related to plan. *[section 122(b)]*
	State board shall consult with State agency responsible for community colleges and State agency responsible for secondary education. Agency "objections" and comments, as well as board response must be included in State plan.	Same as previous law. *[section 122(e)(3)]*
	State board shall "utilize" State Council on Vocational Education in developing state plan. Amendments to plan subject to review by State Council.	Authority for State Council is repealed.
	"Substantial" amendments to State plan subject to review by State Job Training Coordinating Council.	No distinction between "substantial" and other amendments to plan specified in statute. Neither State plan nor amendments are subject to review by State Workforce Investment Board. *[section 122(a)(2)]*
	Consultation with Governor not specified as requirement.	State board shall consult with Governor concerning the development of the plan. *[section 122(b)(1)]*
State Plan Contents	*Evaluation and Accountability* • Assure State will develop and implement system of standards and measures of performance for assisted programs • In plans submitted after FY 1991, describe the progress made in achieving goals described in previous plans • Describe how State is implementing performance evaluations of local programs	*Evaluation and Accountability* • Identify core indicators of performance and, at State discretion, any additional indicators of performance *[section 113(b)(2)]* • Establish levels of performance for each core indicator; adjusted levels of performance agreed upon with Secretary incorporated into State plan *[section 113(b)(3)(A)]* • Describe steps State will take to involve representatives of local programs in the development of State adjusted levels of performance *[section 122 (c)(9)]*

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TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Plan Contents (cont'd)		• Describe how State will annually evaluate effectiveness of local programs *[section 122(c)(6)]* • Describe how State will report data relating to participating students in order to adequately measure the progress of such students, including special populations *[section 122(c)(13)]* • Describe how State will ensure locally-reported data and date reported to the Secretary are complete, accurate, and reliable *[section 122(c)(20)]*
		Program Quality • Describe how funds will be used to improve or develop new courses *[section 122(c)(1)(D)]* • Describe how State will improve academic and technical skills of participating students, including through integration of academic and vocational education, and provide students with strong experience in, and understanding of, all aspects of an industry *[section 122(c)(5)(A)]* • Describe how State will ensure that participating students are taught to the same challenging academic proficiencies as other students *[section 122(c)(5)(B)]* • Describe how funds will be used to effectively link secondary and postsecondary education [*section 122(c)(19)]*
	State Assessment • Describe procedures and results of required assessment and how uses of funds reflect needs identified in assessment	*State Assessment* • An assessment of vocational and technical education programs assisted under the title is a required use of State leadership funds, but the procedures and results are not required to be included in the State plan. *[section 124(b)(1)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Plan Contents (cont'd)	*Special Populations*	*Special Populations*
	• Describe how State will comply with criteria required for programs for special populations and the responsiveness of such programs to the needs of special populations • Describe how state will comply with equal access and other requirements for special populations	• Describe program strategies for special populations *[section 122(c)(7)]* • Describe how special populations will be provided with equal access to assisted activities, not discriminated against, and provided programs designed to enable attainment of State performance levels *[section 122(c)(8)]*
	• Assure State will develop measurable goals and accountability measures for meeting the needs of special population	Participation in programs providing preparation for nontraditional employment is a core indicator. Separate performance goals for special populations on other core indicators are not authorized, but State may establish additional performance indicators related to special populations.
	• Assure State will monitor local programs to ensure that programs are meeting goals for special populations	• Describe how State will report data relating to participating students in order to adequately measure the progress of such students, including special populations *[section 122(c)(13)]*
	• Assure that the vocational education needs of populations with the highest rates of unemployment in the State are reflected in and addressed by State plan	No comparable requirement.
	Link to Labor Market	*Link to Labor Market*
	• Describe how funds expended for occupationally specific training will be used for occupations in which job openings are projected or available, based on a labor market analysis	• Describe how vocational and technical education relates to State and regional occupational opportunities *[section 122(c)(15)]* • Describe how programs will prepare students for potsecondary opportunities or entry into high skill, high wage jobs in current and emerging occupations *[section 122(c)(1)(C)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Plan Contents (cont'd)	*Professional and Curriculum Development* • Assure that programs of personnel and curriculum development will be funded	*Professional Development* • Describe/assure [grammatical error in phrasing] professional development (including initial teacher preparation) for vocational, academic, guidance, and administrative personnel *[section 122(c)(2)]*
	Coordination • Describe methods for joint planning and coordination with programs under JTPA, Adult Ed, Title I, IDEA, Rehab Act and apprenticeship programs	*Coordination* • Describe methods proposed for joint planning and coordination with other Federal education programs *[section 122(c)(16)]* • Describe how, to extent practicable, State is coordinating local programs with other Federal programs to ensure nonduplication *[section 122(c)(6)]* • Include information related to the involvement of postsecondary and school dropout programs in the Workforce Investment Act one-stop delivery system *[section 122(21)]*
	Nontraditional Employment • Assure State will furnish training and vocational education activities to men and women who desire to enter occupations not traditionally associated with their sex	*Nontraditional Employment* • Describe how funds will be used to promote preparation for nontraditional training employment *[section 122(c)(17)]*
	Program Administration • Describe estimated distribution of funds to secondary and postsecondary programs and corrections educational agencies	*Program Administration* • Describe how funds allocated among secondary and postsecondary programs, and consortia among secondary schools and postsecondary institutions, including rationale for such allocation *[section 122(c)(4)]* • Describe how funds will be used to serve individuals in State correctional institutions *[section 122(c)(18)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Plan Contents (cont'd)	• Describe criteria that will be used in approving applications and in expending State leadership funds	• Describe criteria used in approving applications by eligible recipients *[section 122(c)(1)(B)]*
	• Assure State will comply with law's requirements related to the within-state allocation of funds • Assure State will provide for such fiscal control and fund accounting procedures as my be necessary to assure proper disbursement of funds • Provide such methods as necessary for prompt and efficient administration	• Assure State will comply with requirements of the title and provisions of State plan, including audit of funds received which may be included as part of audit of other Federal or State programs *[section 122(c)(10)]*
	• Assure State board will cooperate with State Council	
	• Assuure that no funds will be used to acquire equipment/software when acquisition results in direct financial benefit to any organization representing the interests of the purchasing entity or its employees or its affiliate	• Assure that no funds will be used to acquire equipment/software when acquisition results in direct financial benefit to any organization representing the interests of the purchasing entity or its employees or its affiliate *[section 122(c)(11)]*
	• Provide procedures by which local programs may appeal State decisions adverse to their interests	
	Private Schools	
	• Assure that, to the extent consistent with the number and location of individuals who are members of special populations who are enrolled in private secondary schools, provision is made for the participation of such individuals in secondary vocational education programs assisted under the Act	

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Plan Contents (cont'd)	*Comparability of Services* - Assure that State and local funds will be used in each secondary school receiving assistance under the Act to provide services which are comparable to services provided in secondary schools in the same LEA that do not receive assistance	*Alternative Education* - Describe how State will adequately address the needs of students in alternative education programs, if appropriate *[section 122(c)(13)]*
	Career Guidance and Counseling - Assure that State will provide leadership, supervision, and resources for comprehensive career guidance, vocational counseling, and placement programs - Assure State will annually assess and report on the extent to which aggregate basic grant expenditures within the State for career guidance and vocational counseling are not less than expenditures made in FY 88	
	Single Parents/Displaced Homemakers/Single Pregnant Women - Assure that in expending funds for single parents, displaced homemakers, and single pregnant women, State will emphasize assisting those with greatest financial need and give special consideration to displaced homemakers who must prepare for paid employment	*Technical Assistance* - Describe how State will provide local programs with technical assistance *[section 122(c)(14)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
State Plan Contents (cont'd)		*Technology* • Describes secondary and postsecondary programs to be carried out, including programs to develop, improve, and expand access to quality, state-of-the-art technology in vocational and technical education programs *[section 122(c)(1)(A)]* *Public Participation and Involvement* • Describe how State will actively involve parents, teachers, business, and labor in planning, development, implementation, and evaluation of local programs *[section 122(c)(3)]*
Coordination with Labor Department Programs	State board required to adopt procedures to assure coordination with activities of State Job Training Coordinating Council.	State board required to adopt procedures to assure coordination with activities of State Workforce Investment Board. *[section 121(a)(1)(D)(i)]*
	State plan must describe methods for joint planning and coordination with programs under JTPA, Adult Ed, Title 1, IDEA, Rehab, apprenticeship programs	State plan must describe procedures to assure coordination and avoid duplication with Workforce Investment Act Title 1 programs, Adult Ed, other Federal training programs. *[section 122(c)(21)]* State plan must describe methods for joint planning and coordination with other Federal education programs. *[section 122(c)(16)]*
	State board required to make available to each Private Industry Council a list of all programs assisted under Perkins.	State board required to make available to WIA one-stop delivery system a list of all postsecondary and adult programs assisted under Perkins. *[section 121(a)(1)(D)(ii)]*
	Local plan must describe coordination with "relevant" JTPA programs to avoid duplication and expand range of and access to vocational education services	No comparable requirement.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Accountability—Core Indicators of Performance	State board shall develop system of core standards and measures of performance for secondary and postsecondary programs that includes: • Measures of learning and competency gains, including student progress in achievement of basic and advanced academic skills • 1 or more measures of performance, which shall include only— ➢ competency attainment ➢ job or work skill attainment or enhancement, including progress in achieving occupational skills ➢ retention in school or completion of secondary school or its equivalent ➢ placement into additional training or education, military service, or employment • incentives or adjustments that are designed to encourage service to targeted groups or special populations In developing standards and measures, State board shall take into consideration standards prescribed for the JOBS and JTPA programs.	State board, with input from local recipients, shall identify in the State plan core indicators of performance that include, at a minimum, measures of the following: • attainment of academic and vocational/technical proficiencies • attainment of secondary degree or GED, proficiency credential in conjunction with a secondary diploma, and postsecondary degree or credential • placement in, retention in, and completion of postsecondary education or advanced training, placement in military service, or placement or retention in employment • participation in and completion of programs that lead to nontraditional training and employment. State may identify additional performance indicators in its State plan. Previously identified State performance measures that meet the requirements of the Act may be used. *[section 113(b)(2)]*
Accountability—Levels of Performance	State board provides assurances to the Secretary that it will develop and implement a system of performance measures.	State board, with input from local recipients, shall identify levels of performance for each of the core indicators. Levels of performance shall be expressed in a percentage or numerical form so as to be objective, quantifiable and measurable and require the State to continually make progress in improving performance.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Accountability—Levels of Performance (cont'd)		As part of its State plan, State board shall set out levels of performance for the first 2 years covered by the plan. The Secretary and the State board shall reach agreement on the final levels of performance that shall be incorporated in the State plan. Agreement shall take into account the levels of performance established for other States, characteristics of participants, services and instruction provided, and the extent to which the levels of performance promote continuous improvement. Prior to the 3rd program year, the State board and the Secretary shall reach agreement on performance levels for the 3rd, 4th, and 5th program years covered by the State plan. State board may request changes in agreed upon performance levels due to "unanticipated circumstances." Secretary shall issue objective criteria and methods for making revisions. *[section 113(b)(3)]* The Secretary may disapprove a State plan if he/she determines that the State's level of performance are not sufficiently rigorous to meet the purposes of the Act. *[section 122(e)(1)(B)]* State board shall report annually to the Secretary regarding its progress in meeting the agreed upon levels of performance. The report shall include a quantifiable description of the progress of special populations in meeting the State performance levels. The Secretary shall make State reports available to the public and Congress and shall disseminate State-by-State comparisons of information. *[section 113(c)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Accountability—Local Performance Evaluation and Program Improvement	Each local recipient of funds shall annually evaluate the effectiveness of the program conducted with assistance under the Act based on the State standards and measures. Such evaluation shall include an evaluation of the progress of members of special populations and the progress of assisted programs in providing students with experience in and understanding of all aspects of the industry the students are planning to enter. If recipient determines that it is not making substantial progress in meeting the standards and measures, it shall develop and implement a local program improvement plan. If the recipient fails to make sufficient progress in meeting the standards and measures after 1 year of the implementation of a program improvement plan, the State board shall work jointly with the recipient to develop a plan for program improvement. The State board and local recipient shall annually review and revise the plan annually until the recipient fulfills the standards and measures for more than 1 year.	The State board shall annually evaluate the performance of each local recipient of funds in meeting the agreed upon State levels of performance. *[section 123(b)]* If the State board determines the recipient of funds is not making substantial progress in achieving the levels of performance, the State board shall: • Conduct an assessment of the educational needs that the recipient shall address to overcome performance deficiencies; • Enter into an improvement plan that includes instructional and other programmatic innovations of demonstrated effectiveness; • Conduct regular evaluations of the recipient's progress toward reaching State performance levels *[section 123(c)]*
Accountability—Sanctions and Incentives	The Secretary has no authority to withhold funds from a State that fails to meet performance levels.	If State fails to meet agreed upon levels of performance, the State board shall implement a program improvement plan. *[section 123(a)]* After providing notice and an opportunity for a hearing, the Secretary may withhold all or a portion of the State's allotment if: • the State fails to meet the agreed upon levels of performance and has not implemented an improvement plan or has shown no improvement within 1 year of implementing an improvement plan; or • the State has failed to meet the agreed upon levels of performance for 2 or more consecutive years.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Accountability—Sanctions and Incentives (cont'd)	The Secretary has no authority to award incentive grants to a State that exceeds its performance levels.	Sanction may be waived due to exceptional or uncontrollable circumstances. The Secretary shall use withheld funds to support services and activities within the State through alternative arrangements. If the Secretary cannot satisfactorily use withheld funds, funds may reallotted by formula to other States. *[section 123(d)]* A State that exceeds its agreed upon performance levels for Perkins, the Adult Education and Family Literacy Act, and Workforce Investment Act Title I is eligible to receive incentive grants. *[Workforce Investment Act, section 503]*
Special Populations—State and Local Requirements	*Definition of "Special Populations"* Definition of "special populations" includes individuals with disabilities, educationally and economically disadvantaged individuals (including foster children), individuals of limited English language proficiency, individuals who participate in programs designed to eliminate sex bias, and individuals in a correctional institution. *State Requirements* State plan must provide assurances that: • Individuals who are members of special populations will be provided with equal access to recruitment, enrollment, and placement activities and the full range of vocational education programs available to individuals who are not members of special populations	*Definition of "Special Populations"* Definition of "special populations" includes individuals with disabilities, economically disadvantaged individuals (including foster children), individuals preparing for nontraditional employment, single parents (including single pregnant women), displaced homemakers, and individuals with other barriers to educational achievement, including individuals with limited English proficiency. *[section 3(23)]* *State Requirements* State plan must describe: • How special populations will be provided with equal access to activities • How special populations will not be discriminated against • How members of special populations will be provided with programs designed to enable them to meet or exceed State adjusted levels of performance and prepare them for further learning and for high skill, high wage careers *[section 122(c)(8)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Special Populations— State and Local Requirements (cont'd)		• Program strategies for special populations *[section 122(c)(7)]*
	• Vocational education programs for individuals with disabilities will be provided in the least restrictive environment in accordance with IDEA and, whenever appropriate, included as a component of the IEP	[No specific requirement in Perkins, but LRE mandate would apply to students with IEPs under IDEA]
	• Individuals with disabilities who have IEPs under IDEA will be afforded all the rights and protections established by IDEA	[No specific requirement in Perkins, but required by IDEA]
	• Individuals with disabilities who do not have IEPs will be afforded the rights and protections established by section 504 of the Rehabilitation Act, including by making programs accessible through supplementary services	[No specific requirement in Perkins, but required by Section 504 of Rehab]
	• Vocational education planning for individuals with disabilities will be coordinated between representatives of vocational education, special education, and State rehab agencies	State plan must describe methods proposed for joint planning and coordination of Perkins Title I programs and other Federal education programs *[section 122(c)(16)]*
	• Provision of vocational education to individuals with disabilities will be monitored to determine if such education is consistent with student's IEP	No comparable requirement.
	• Provision of vocational education will be monitored to ensure that disadvantaged students and students of limited English proficiency will have access to such programs in the most integrated setting possible	Required State assessment must evaluate how needs of special populations are being met and how programs are designed to enable special populations to meet State levels of performance and prepare them for further learning or high skill, high wage careers. *[section 124(b)(1)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Special Populations— State and Local Requirements (cont'd)		State must report annually to the Secretary concerning the progress of the State in meeting adjusted levels of performance. Such report must include a "quantifiable description" of the progress of special populations in meeting State adjusted levels of performance. *[section 113(C)(2)]*
	• Provisions of the Act relating to individuals who are members of special populations will be carried out under the supervision of State personnel who are responsible for students who are members of special populations	No comparable requirement.
	Local Requirements	*Local Requirements*
	Each LEA shall provide information concerning opportunities in vocational education to students who are members of special populations and their parents by no later than the student's entry into the 9th grade.	No comparable requirement.
	Each institution receiving assistance shall provide assurances that it will:	Each local recipient of funds shall, in its plan, describe:
	• Assist students who are members of special populations to enter vocational education and, with respect to students with disabilities, assist in fulfilling transition requirements of IDEA • Assess special needs of students participating in assisted programs with respect to their successful completion of the program in the most integrated setting possible • Provide supplementary services to students who are members of special populations, including, with respect to students with disabilities, modifications to curriculum, equipment, classroom; supportive personnel; and instructional aids and devices • Provide guidance and counseling and career development • Provide counseling and instructional services to facilitate transition to employment	• How it will review, identify and adopt strategies to overcome barriers to access and success for members of special populations • How it will provide programs designed to enable members of special populations to meet State adjusted levels of performance *[section 134(b)(7)]* • How members of special populations will not be discriminated against in the provision of services *[section 134(b)(8)]* • How funds will be used to promote preparation for non-traditional employment *[section 134(b)(9)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Special Populations—State and Local Requirements (cont'd)		In addition, evaluating the needs of members of special populations is a required use of local funds. *[section 135(b)(5)]*
	Each institution receiving assistance shall provide information concerning opportunities in vocational education upon request and, when appropriate, provide assistance in the preparation of applications.	No specific, comparable requirement.
	Services to Students with Disabilities	*Services to Students with Disabilities*
	Perkins Act funds may be used to provide vocational education services required in an IEP under IDEA and services necessary to meet the requirements of section 504 of the Rehabilitation Act.	Same as previous law.
State Regulations and Requirements	Prior to issuing any rule or regulation pursuant to the Perkins Act, the State board shall convene a Committee of Practitioners to review the proposed rule or regulation.	No comparable requirement.
	Any State rule or policy imposed on the administration or operation of programs funded by the Perkins Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guidance, shall be identified as a State imposed requirement.	No comparable requirement.
Supplement Not Supplant	Funds shall supplement, and not supplant, non-Federal funds expended for vocational and technical education.	Same as previous law *[section 311(a)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Maintenance of Effort	No payments may be made under the Perkins Act to a State unless its non-Federal expenditures for vocational education during the fiscal or program year prior to the grant year were equal to or greater than its non-Federal expenditutes during the 2rd year prior to the grant year. Maintenance of effort may calculated on a per student or total expenditure basis. Secretary may waive requirement for up to 5% of expenditures for one year if the reduction in expenditures was due to "exceptional or uncontrollable circumstances."	No payments may be made under the Perkins Act for vocational and technical education programs or tech-prep programs to a State unless its non-Federal expenditures for vocational and technical education during the fiscal or program year prior to the grant year were equal to or greater than its non-Federal expenditutes during the 2nd year prior to the grant year. Maintenance of effort may calculated on a per student or total expenditure basis. Capital expenditures, special one-time project costs, and the costs of pilot programs shall be excluded from the computation of maintenance of effort. In any fiscal year in which appropriations for the Act are less than appropriations made during the preceding fiscal year, the required maintenance of effort for a State shall be reduced by the same percentage by which appropriations were reduced. Secretary may waive requirement for up to 5% of expenditures for one year if the reduction in expenditures was due to "exceptional or uncontrollable circumstances." *[section 311(b)]*
Within-State Allotment—Reservation for Distribution to Local Programs	75% of basic state grant allotment must be distributed to local programs.	85% of basic state grant allotment must be distributed to local programs. State board may reserve not more than 10% of the 85% for distribution to local programs that serve at least two of the following communities: • rural areas • areas with high percentages of vocational and technical education students • areas with high numbers of vocational and technical education students • communities negatively impacted by changes in the in-state secondary school formula *[section 112(c)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Within-State Secondary Formula	Secondary funds are distributed by the State based on Title I (70%), IDEA (20%), and the number of students in LEA and adults in training programs (10%). No authority for an alternative formula.	In FY 99, secondary funds are distributed by the State based on Title I (70%), IDEA (20%), and the number of students in LEA and adults in training programs (10%). *[section 131(a)]* In FY 2000 and each of the four succeeding FYs, secondary funds are distributed by the State based on youth population (ages 15 through 19) within LEA (30%) and low-income youth population within LEA (70%). *[section 131(b)]* State may allocate funds using an alternative formula that more effectively targets funds on the basis of poverty. *[section 131(c)]*
Within-State Secondary Formula—Minimum Award	Minimum award of $15,000. State may waive minimum allocation rule if LEA: • Is located in a rural, sparsely-populated area; and • Demonstrates it is unable to enter into a consortium	Minimum award of $15,000. State shall waive minimum allocation rule if LEA: • Is located in a rural, sparsely-populated area; or • Is a public charter school that operates a secondary vocational and technical education program; and • Demonstrates it is unable to enter into a consortium *[section 131(d)]*
Within-State Secondary Formula—BIA-Funded Schools	BIA-funded secondary schools are eligible for funding under the Native American setaside program, but are not eligible for funding under the in-state secondary school formula.	BIA-funded secondary schools are not eligible for funding under the Native American setaside *[section 116(b)(1)]*. BIA-funded secondary schools shall be treated as if it were an LEA for the purposes of allocating funds under the in-state secondary school formula *[section 131(i)]*.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Within-State Secondary Formula— Area Vocational Schools and Intrermediate Agencies	Area vocational schools and intermediate educational agencies shall be eligible to receive secondary school funds if: • The school or agency has entered into a consortium or cooperative agreement with the LEA concerned • The school or agency serves the same or greater proprtion of economically disadvantaged students and students with disabilities as the secondary schools under the jurisdiction of the LEA sending students to the school or agency Funding allocation based on each school's/agency's relative share of economically disadvantaged students and students with disabilities who are attending vocational education programs (based on average 3-year enrollment), or on the basis of an agreement between the LEA and the school/agency.	Area vocational schools and intermediate educational agencies shall be eligible to receive secondary school funds if: • The school or agency has entered into a consortium or cooperative agreement with the LEA concerned Funding allocation based on each school's/agency's relative share of students who are attending vocational and technical education programs (based on average 3-year enrollment). *[section 131(f)]*
Within-State Potsecondary Formula	Postsecondary funds are distributed by the State based on the number of Pell Grant and Bureau of Indian Affairs (BIA)-assistance recipients. Alternate formula allowed by waiver. Specifies criteria that may be used by State in developing alternate formula Minimum award of $50,000.	Same as previous law. Alternate formula allowed by waiver. Does not specify criteria that may be used in developing alternate formula. Minimum award of $50,000. *[section 132]*
Within-State Potsecondary Formula— Eligible Institutions	Public or private nonprofit institutions of higher education (as defined by section 435(b) of HEA), LEA serving adults, area vocational school serving adults, or consortia thereof	Public or private nonprofit institutions of higher education (as defined by section 101 of HEA), LEA providing postsecondary education, area vocational school providing postsecondary education, postsecondary institution controlled by BIA or operated by or on behalf of Indian tribe, educational service agency, or consortia thereof *[section 3(10)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Within-State Formula—Allocation Between Secondary/ Postsecondary	State determines allocation of basic grant funds between LEAs and postsecondary institutions.	Same as previous law.
Contents of Local Application for Funds	*Program Quality* • describe programs to be funded • describe program evaluation standards to monitor progress • consider demonstrated occupational needs in area • describe how will integrate academic and vocational education and offer coherent sequence of courses • assure will encourage students through counseling to pursue coherent sequence of courses • assure program is such size, scope and quality to improve education quality	*Program Quality* • describe programs to be carried out • describe how programs will be carried out to meet State performance levels • describe how programs will improve academic and technical skills of students by integrating academic and vocational education, offering coherent sequence of courses, ensure learning in core academic and vocational and technical subjects • describe how programs will provide students with strong experience in, and understanding of, all aspects of the industry • describe how will ensure participating students are taught to the sme challenging academic proficiencies as other students • describe how parents, students, business, and others are involved in development, implementation and evaluation of programs • assure program is such size, scope and quality to improve education quality • describe process to independently evaluate performance • describe how comprehensive professional development for vocational, academic, guidance and administrative personnel will be provided

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Contents of Local Application for Funds (cont'd)	_Special Populations_ • number of indviduals in each of the special populations • describe how needs of special populations will be assessed • describe how access to "good quality" programs will be provided to students who are economically disadvantaged (including foster children), students with disabilities, and students with limited English proficiency • assure will comply with Act's requirements concerning special populations • describe methods used to develop programs in consultation with parents and student of special populations • assure will assist special populations through supportive services • describe how will monitor provision of vocational education to special populations • assure will cooperate with sex equity coordinator _Coordination_ • describe methods of coordination with JTPA programs • describe coordination with community-based organizations	_Special Populations_ • describe how will identify and adopt strategies to overcome barriers to access/success for special populations • describe how will provide programs designed to enable special populations to meet State performance standards • describe how special populations will not be discriminated against • describe how funds will be used to promote preparation for nontraditional employment *[section 134]*

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TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Local Funds—Required Uses	Funds shall be used to provide vocational education in programs that— • Are of such size, scope and quality to be effective • Integrate academic and vocational education through coherent sequences of courses so that students achieve both academic and occupational competencies • Provide for equitable participation for special populations	Funds shall be used to provide vocational and technical education in programs that— • Provide services that are of such size, scope and quality to be effective • Strengthen the academic, and vocational and technical, skills of students through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical, subjects • Provide students with strong experience in and understanding of all aspects of an industry • Develop, improve, or expand the use of technology in vocational and technical education • Provide professional development programs • Develop and implement evaluations, including an assessment of how the needs of special populations are being met • Initiate, improve, expand, and modernize vocational and technical education • Link secondary and postsecondary education *[section 135(b)]*
Local Funds—Administration	Local programs may use not more than 5% of grant for administrative costs.	Same as previous law. *[section 135(d)]*
Local Funds—Permissible Uses of Funds	• upgrading curriculum • guidance and counseling • inservice training of academic and vocational instructors • teacher preparation programs to assist individuals with experience in business in becoming vocational instructors	• improving or developing new courses • career guidance and academic counseling • teacher preparation programs that assist individuals with experience in business and others in becoming vocational and technical education instructors

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Local Funds—Permissible Uses of Funds (cont'd)	• purchase of equipment • adaptation of equipment	• leasing, purchasing, upgrading, or adapting equipment
	• supplementary services for special populations • a special populations coordinator	• programs for special populations • nontraditional training and employment activities
	• remedial courses • tech-prep programs • apprenticeship programs • programs tied to State economic development efforts • programs which train adults and students for all aspects of an occupation in which job openings are projected or available • provision of education and training though private vocational training institutions, private postsecondary institutions, employers, labor organizations when they can provide substantially equivalent training at a lesser cost or can provide equipment or services not available in public institutions	
		• work-related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational and technical education programs • to involve of parents, businesses, and labor organizations in the design, implementation, and evaluation of programs • local education and business partnerships • vocational and technical student organizations • mentoring and support services • family and consumer sciences programs • vocational and technical education programs for adults and school dropouts to complete their secondary education • assist participating students in finding employment and continuing their education *[section 135(c)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Assistance to Outlying Areas	Secretary shall reserve 0.2% of appropriation for grants to outlying areas. $500,000 grant made to Guam $190,000 grant made to each of America Samoa, Northern Mariana Islands, and Palau Remainder allocated to Center for the Advancement of Pacific Education to make grants for vocational education and training in Guam, America Samoa, Palau, Northern Mariana Islands, Micronesia, Marshall Islands. Grants to be used to provide direct educational services, including teacher and counselor training and retraining, curriculum development, and improving secondary and postsecondary programs. Center may use 5% of grant for administrative costs.	Secretary shall reserve 0.2% of appropriation for grants to outlying areas. $500,000 grant made to Guam $190,000 grant made to America Samoa and Northern Mariana Islands Remainder allocated to Pacific Region Educational Laboratory to make grants for vocational education and training in Guam, America Samoa, Palau, Northern Mariana Islands, Micronesia, Marshall Islands. Grants to be used to provide direct educational services, including teacher and counselor training and retraining, curriculum development, and improving secondary and postsecondary programs. PREL may use 5% of grant for administrative costs. No funds may be provided to Marshall Islands, Micronesia, and Palau in FY 2002 and subsequent fiscal years. *[section 115]*
Native American Programs	Secretary shall reserve 1.25% of appropriation for Indian programs. Secretary may make grants to, or enter into contracts with: • Any Indian tribe or tribal organization eligible under the Indian Self-Determination Act or the Johnson-O'Malley Act.	Secretary shall reserve 1.25% of appropriation for Native American programs. Secretary may make grants to, or enter into contracts with: • Any Indian tribe or tribal organization eligible under the Indian Self-Determination Act or the Johnson-O'Malley Act • Any Alaska Native entity eligible under the Alaska Native Claims Settlement Act

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Native American Programs (cont'd)	• Any BIA-funded school offering a secondary school program	No grants or contracts may be awarded to seconday school programs in BIA-funded schools. Such programs may receive assistance from an Indian tribe or tribal organization or Alaska Native entity that receives a grant or contract.
	Grants and contracts subject to section 102 of the Indian Self-Determination Act and shall be conducted in accordance with the relevant provisions of the Johnson-O'Malley Act.	Grants and contracts subject to section 102 of the Indian Self-Determination Act and shall be conducted in accordance with the relevant provisions of the Johnson-O'Malley Act. Any regulations relating to the application of the Indian Self-Determination Act and the Johnson-O'Malley Act to grants and contracted shall be promulgated through negotiated rule-making.
	BIA shall expend for vocational education an amount equal to amount made available under Perkins for Indian programs.	If sufficient funding is available, BIA shall expend for vocational education an amount equal to amount made available under Perkins for Indian programs.
	In each fiscal year, BIA must expend not less than 100% of what it expended in the previous fiscal year to support vocational education.	In each fiscal year, BIA must expend not less than 100% of what it expended in the previous fiscal year to support vocational education, except that such funding may not be provided from accounts that support other Indian education programs.
	Secretary and Assistant Secretary of the Interior for Indian Affairs shall jointly prepare a plan for the expenditure of funds and evaluation of assisted programs. Program is administered by the Secretary with assistance from BIA.	Same as previous law.
	Secretary may not impose any additional restrictions relating to programs or outcomes beyond those imposed on States under the basic State grant program.	Same as previous law.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Native American Programs (cont'd)	In making grants, Secretary shall give priority to programs coordinated with tribal economic development plans and applications from tribally-controlled community colleges.	Same as previous law. Recipients of funds may consolidate funds with funds received from related programs in accordance with the Indian Employment, Training and Related Services Demonstration Act. *[section 116(a) – (g)]*
Hawaiian Native Program	The Secretary shall reserve 0.25% of the appropriation to award grants to, or enter into contracts with organizations primarily serving and representing Hawaiian Natives which are recognized by the Governor of Hawaii.	Same as previous law. *[section 116(h)]*
Tech-Prep—Authorization and State Allotment	A separate authorization is provided for grants to support Tech-Prep programs. Funds are allotted to States on the same basis as the basic State grant.	The authorization for Tech-prep is such sums for FY 99 and each of the 4 succeeding FYs. Funds are allotted to States on the same basis as the basic State grant.
Tech-Prep—Distribution of Funds to Local Programs	States award subgrants to local programs competitively or by formula. Eligible entities are consortia of: • LEAs, intermediate educational agencies, area vocational schools, BIA-funded secondary schools	Same as previous law. *[section 204(a)(1)]* Eligible entities are consortia of: • Same as previous law

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tech-Prep—Distribution of Funds to Local Programs (cont'd)	• nonprofit institutions of higher education which offer 2-year associate degree/a 2-year certificate program and meet the requirements of HEA section 481(a) and are eligible to participate in the Stafford loan program, including tribally-controlled community colleges; 2-year apprenticeship programs	• nonprofit institutions of higher education which offer 2-year associate degree/a 2-year certificate program and meet the requirements of HEA section 102 and are eligible to participate in the Stafford loan program, including tribally-controlled community colleges; tribally-controlled postsecondary vocational and technical institutions; 2-year apprenticeship programs
	• proprietary institutions of higher education which offer a 2-year associate degree program, meet the requirements of HEA section 481(a), and are not subject to a Stafford default management plan *[section 343(a)(1)]*	• Same as previous law, but changes definitional reference to section 102 of HEA.
	Insitutions of higher education that award 4-year baccalaureate degrees and employer and labor organizations are not eligible to participate as members of consortia.	Consortia may include institutions of higher education that award baccalaureate degrees, employer and labor organizations. *[section 204(a)(2)]*
	In awarding grants, State shall give special consideration to applications which:	In awarding grants, State shall give special consideration to applications which:
	• provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs	• Same as previous law
	• are developed in consultation with business, industry, labor unions, and institutions of higher education that award baccalaureate degrees	• Same as previous law
	• address effectively dropout prevention and re-entry, needs of minority youths, youths of limited English proficiency, youths with disabilities, disadvantaged youths	• address effectively school dropout prevention and the needs of special populations

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tech-Prep—Distribution of Funds to Local Programs (cont'd)		• provide education education and training in areas or skills in whihc there are significant workforce shortages, including the information technology industry • demonstrate how Tech-prep programs will help students meet high academic and employability competences.
	State shall ensure equitable distribution of assistance between urban and rural areas.	Same as previous law. *[section 204(d),(e)]*
Tech-Prep—Plan Duration	Applicant develops 3-year plan for the development and implementation of tech-prep programs.	Applicant develops 5-year plan for the development and implementation of tech-prep programs. Plan shall be reviewed after 2nd year of the plan. *[section 205(b)]*
Tech-Prep—Program Elements	Grant funds used to develop and carry out a Tech-prep program which: • provides technical preparation in at least 1 field of engineering technology, applied science, mechanical, industrial, or practical art or trade, or agriculture, health or business • builds student compet[illegible]ce in math, science, and communications (including through applied academics)	Grant funds used to develop and carry out a Tech-prep program which: • provides technical preparation in at least 1 field of engineering technology, applied science, mechanical, industrial, or practical art or trade, or agriculture, health, business, or applied economics *[section 202(a)(3)C)]* • builds student competence in math, science, and communications (including through applied academics) *[section 3(26)]* • builds student competence in math, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics and integrated instruction, in a coherent sequence of courses *[section 202(a)(3)(D)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tech-Prep—Program Elements (cont'd)	- has common core of required proficiency in math, science, communications and technologies	- has common core of required proficiency in math, science, reading, writing, communications and technologies *[section 204(c)(2)]*
		- strengthens the applied academic component of vocational and technical education through the integration of academic and vocational and technical education *[section 3(26)]*
	- leads to associate degree or 2-year certificate	- leads to associate degree or 2-year certificate *[section 202(a)(3)(E)]*
	- leads to placement in employment	- leads to high skill, high wage employment or further education *[section 202(a)(3)F)]*
	- is 4 years in duration	- is 4 to 6 years in duration *[section 204(b)]*
	- consists of 2 or 4 years of secondary school preceding graduation and 2 years of higher education or apprenticeship following secondary instruction	- consists of at least 2 years of secondary school preceding graduation and 2 or more years of higher education or an apprenticeship program of at least 2 years*[section 204(c)(2)]*
		- links secondary schools and 2-year postsecondary institutions and, if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for Tech-prep secondary students to enroll concurrently in secondary and postsecondary coursework *[section 204(c)(3)]*
	- is carried out under articulation agreement among consortia participants	- is carried out under articulation agreement among consortia participants*[section 204(c)(1)]*
	- includes development of curricula	- Curricula development is not specified as a required program element.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tech-Prep—Program Elements (cont'd)	• includes in-service training for teachers that— ➢ is designed to train teachers to effectively implement Tech-prep curricula ➢ provides for joint training for teachers from all consortia participants ➢ may provide training in weekend, evening, and summer sessions	• includes in-service training for teachers that— ➢ is designed to train vocational and technical education teachers to effectively implement Tech-prep programs ➢ provides for joint training for teachers in the consortia ➢ is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry ➢ focuses on training postsecondary faculty in use of contextual and applied curricula and instruction ➢ provides training in the use of technology *[section 204(c)(4)]*
	• include training programs designed to enable counselors to more effectively— ➢ recruit students ➢ ensure that students successfully complete programs ➢ ensure that students are placed in appropriate employment	• include training programs designed to enable counselors to ore effectively— ➢ provide information to students ➢ support student progress in completing programs ➢ ensure that students are placed in appropriate employment ➢ stay current with the needs, expectations, and methods of business and all aspects of an industry *[section 204(c)(5)]*
	• provides equal access to special populations	• provides equal access to special populations *[section 204(c)(6)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tech-Prep—Program Elements (cont'd)	Additional authorized activities: • acquisition of equipment • accquisition of technical assistance from entities that have successfully designed and operated Tech-prep programs	• meets academic standards developed by the State *[section 204(c)(3)(A)]* • uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry *[section 204(c)(3)(C)]* • uses educational technology and distance learning, as appropriate *[section 204(c)(3)(D)]* • provide for preparatory services that assist participants *[section 204(c)(7)]* Additional authorized activities: • acquisition of equipment • accquisition of technical assistance from entities that have successfully designed and operated Tech-prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services • establish articulation agreements with institutions of higher education, labor organizations, or businesses in and outside State, especially with regard to using distance learning and educational technology *[section 204(d)]*
Tech-Prep Demonstration Program		Authorizes $25 million in FY 99 and in each of the 4 succeeding FYs for competitive grants to support tech-prep programs that involve the location of a secondary school on the campus of a community college. Eligibility requirements are the same as those for the Tech-prep program. Consortia must include business as a participant. Required program elements are the same as those for the Tech-prep

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tech-Prep Demonstration Program (cont'd)		program, except that linkages with 4-year institutions of higher education are not required. In addition, programs may offer summer internships at a business for students or teachers. Participation of students in the program shall be voluntary. In awarding grants, Secretary shall give special consideration to applications that— • provide for effective employment placement activities • address effectively school dropout prevention and reentry and the needs of special populations • provide education and training in areas or skills in which there are significant workforce shortages, including the information technology industry • demonstrate how tech-prep programs will help students meet high academic and employability competencies *[section 207]*
Tribally Controlled Postsecondary Vocational Institutions	Authorizes not more than $4 million for grants to tribally controlled postsecondary vocational institutions.	Authorizes $4 million for grants to tribally controlled postsecondary vocational and technical institutions in FY 99 and each of FY 2001 – 2003.
Tribally Controlled	To be eligible for funds, an institution must be:	Same as previous law, but also specifies that the institution must be an institution of higher education as defined by section 101 of

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Postsecondary Institutions—Eligibility	• Formally controlled, sanctioned, or chartered by the governing body of an Indian tribe or tribes and offer technical degrees or certificate granting programs *[section 390(1)]* • Governed by board of directors/trustees, a majority of whom are Indians • Demonstrate adherence to goals, philosophy or plan of operation which fosters individual Indian economic and self-sufficiency opportunity, including programs which are appropriate to tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations • In operation at least 3 years • Accredited or candidate for accreditation • Enroll 100 FTE, majority of whom are Indians	HEA [with exception of paragraph (2), and reference to Secretary in paragraph (5)(A) deemed to refer to Secretary of Interior] *[section 3(28)]*
Tribally Controlled Postsecondary Institutions—Use of Funds	Funds may be used for costs of training, education, equipment, administration, operation and maintenance of institution.	Funds shall be used for vocational and technical education programs. *[section 117(b)]*
Tribally Controlled Postsecondary Institutions—Amount of Grants	Amount necessary to pay expenses associated with: • maintenance and operation of the program, including costs of development, basic and special instruction, materials, boarding, transportation, student services, day acre and family support programs for students and their families (including contributions to the costs of education for dependents); student costs; administrative costs;	Amount necessary to pay expenses associated with: Same as previous law, but adds student stipends

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tribally Controlled Postsecondary Institutions—Amount of Grants (cont'd)	• capital expenditures, including operations and maintenance and minor improvements and repair, physical plant maintenance costs;	Same as previous law, but specifies that allowable costs must be related to the conduct of vocational and training programs
	• repair, upkeep, replacement, and upgrading of instructional equipment.	Same as previous law. *[section 117(e)(1)]*
	If appropriations insufficient to pay full amount to which all approved applicants are eligible to receive, grant amount is determined on the basis of each institution's Indian student count.	Same as previous law.
	Grant amount for previously-funded applicants shall be equal to per capita payment received during previous year multiplied by Indian student count, plus an increase to the per capita payment resulting from inflationary costs beyond institution's control.	Same as previous law. *[section 117(c)]*
	Indian student count is the number of Indian students enrolled as of October 1. Credits toward a certificate earned during a summer term are included in student count in succeeding fall term. Credits earned toward secondary/GED degree may not be counted. Continuing education credit hours shall be included in student count.	Same as previous law. *[section 117(h)(2)]*
	Secretary required to prepare annually an actual budget needs estimate for all eligible institutions and submit the estimate to Congress in a timely manner.	Same as previous law, but specifies that data shall take into account the purposes and requirements of TANF. *[section 117(g)(1)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tribally Controlled Postsecondary Institutions—Additional Allocations for Training Equipment and Construction	In any fiscal year in which funds remain after providing grants to all approved applicants, the Secretary shall: • First provide, to institutions that are receiving their first grant, an additional amount equal to the costs of training equipment need to implement their training programs; and then • Then provide, to institutions that have received a grant for 5 years, an additional amount for other training equipment needs if it demonstrates that the equipment has become obsolete or that the development of other training programs is appropriate. Secretary is authorized to make grants to eligible institutions for construction, rehabilitation, and renovation.	No authority is provided for additional allocations for training equipment. Grants for construction, rehabilitation, or renovation are not authorized.
Tribally Controlled Postsecondary Institutions—Payment Dates	Grants shall be provided in 2 payments. First payment must be made within 30 days following the enactment of the FY appropriations.Second payment shall be made by January 1 of the FY.	The law does not mandate specific dates for payment of the grant or require that grants be made in 2 payments.
Tribally Controlled Postsecondary Institutions—Relationship to Other Programs	Eligibility for assistance under this program shall not preclude an institution receiving assistance under the Higher Education Act or any other program for the benefit of institutions of higher education or vocational education. Grant amount may not be altered because of payments received by the institution under the Snyder Act. No eligible institution for which an Indian tribe has designated funds under the Snyder Act may be denied a contract for such funds under the Indian Self-Determination and Education Assistance Act (except as provided by that Act) or denied appropriate contract support to administer the funds.	Same as previous law. *[section 117(f)]*

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Tribally Controlled Postsecondary Institutions—Reports	Secretary was required to conduct a study of the training and housing needs of each eligible institution that included the number, type, and cost of the needs and ranked each institution by relative need. Report required to be submitted to Congress by July 1, 1991.	Requires a comparable study by the Secretary that must be submitted to Congress by July 1, 2000. *[section 117(g)(2)]*
	Secretary was required to conduct a long-term study of the facilities of eligible institutions that included a 5-year projection of training facilities, equipment, and housing needs. Report required to be submitted to Congress 18 months following enactment of the Act.	Requires a comparable study by the Secretary that must be submitted to Congress within 18 months following the enactment of the Act *[section 117(g)(3)]*
Tribally Controlled Postsecondary Institutions—Consultation	In making grants, Secretary is required to consult with the boards of trustees and the tribal governments chartering the institutions being considered.	No comparable requirement.
Additional Grant Authorities	Authorizes grants to States for education support programs operated by community-based organizations *[Title II, Part A]*	Repealed.
	Authorizes grants to States for consumer and homemaking education. *[Title III, Part B]*	Repealed.
	Authorizes grants to States for comprehensive career guidance and counseling programs. *[Title III, Part C]*	Repealed.
	Authorizes competitive grants to States for business-labor-education partnerships. *[Title III, Part D]*	Repealed.
	Authorizes formula grants to States for facilities and equipment needs of local educational agencies. *[Title III, Part F]*	Repealed.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
Additional Grant Authorities (cont'd)	Authorizes competitive grants for model high school community education employment centers. *[Title III, Part G, Subpart 1]*	Repealed.
	Authorizes competitive grants for vocational education lighthouse schools. *[Title III, Part G, Subpart 2]*	Repealed.
	Authorizes grants for 10 demonstration programs *[Title IV, Part B]*	Repealed.
	Authorizes grants to support bilingual vocational education for individuals with limited English proficiency *[Title IV, Part E]*	Repealed.
National Occupational Information Coordinating Committee	Establishes interagency National Occupational Information Coordinating Committee and specifies members, including OVAE, RSA, OBEMLA, OPE, NCES, BLS, ETA.	In consultation with appropriate Secretaries, Secretary may designate an entity to carry out functions related to occupational and employment information. *[section 118(a)]*
	Funding for NOICC is an authorized use of National Program funds.	Funding for program is provided through a separate authorization. Authorization is such sums for FY 99 and each of four succeeding fiscal years. *[section 118(f)]*
	To receive a grant, each State shall establish SOICC composed of representatives of State board, employment security agency, economic development agency, JTCC, vocational rehabilitation agency	To receive a grant, State board and Governor shall jointly designate an entity to carry out functions related to occupational and employment information. *[section 118(b)]*
	75% of funds distributed to SOICCs.	85% of funds distributed to designated State entities *[section 118(d)]*.

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
National Occupational Information Coordinating Committee (cont'd)	Duties of NOICC: • Improve coordination in use of program and employment data among Perkins, job training, employment service program administrators at Federal, State, local levels • Develop and implement occupational information system to meet needs of vocational education and employment and training programs, including data on occupational demand and supply • Conduct studies to improve quality and delivery of occupational information systems to assist economic dev't activities and examine effects of technological change on new and existing occupational areas • Provide training and technical assistance to support career guidance and counseling programs, especially in career information delivery and use • Award grants to State Occupational Information Coordinating Committees (SOICCs) NOICC shall carry out demonstration to monitor vocational education outcomes using wage records.	Duties of designated national entity: • Provide technical assistance to State entities in carrying out functions • Disseminate information • Develop and disseminate products and services • Award grants to State entities *[section 118(a)(1)]*
	Duties of SOICC: • Implement occupational information system to meet needs of Perkins programs and JTPA agencies • Implement career information delivery system	Duties of State entity: • Provide support for career guidance and academic counseling program designed to promote improved career and education decision-making, especially in career information delivery and use • Make available to students, parents, teachers, administrators, and counselors information and planning resources that relate educational preparation to career goals

TOPICS	1990 PERKINS ACT	1998 PERKINS ACT
National Occupational Information Coordinating Committee (cont'd)		• Equip teachers, administrators, and counselors with knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and career financing • Assist State entities in tailoring career-related educational resources and training • Improve coordination in use of program and employment data among Perkins and employment service program administrators at Federal, State, local levels • Provide means for students, parents, and other customers to provide feedback on products and services *[section 118(b)]* State entity may use funds to supplement Wagner-Peyser section 15 activities only to the extent that such activities do not duplicate activities assisted under section 15. None of the assisted functions and activities may duplicate functions and activities assisted under the Workforce Investment Act. *[section 118(c)]* Secretary shall report annually to Congress on assisted activities and functions. *[section 118(e)]*

Section-by-Section Summary of Perkins 1998

Section 1. Short title; table of contents

This Act renames the Perkins law. The new name is the "Carl D. Perkins Vocational and Technical Education Act of 1998."

Section 2. Purpose

This section gives an overview of congressional intent regarding the legislation. The purposes of this legislation are described as to further develop the academic, vocational, and technical skills of vocational and technical education students through high standards; link secondary and postsecondary programs; increase flexibility in the administration and use of funds provided under this Act; disseminate national research about vocational and technical education; and provide professional development and technical assistance to vocational and technical educators.

Section 3. Definitions

In this section are 30 definitions of words and phrases used in the Act. These definitions are critical to understanding the provisions of the Act.

Section 4. Transition provisions

Congress directs the Secretary to ensure an orderly transition from the 1990 Perkins Act provisions to those of the 1998 Perkins Act. This section gives the Secretary flexibility in the implementation of the provisions for Fiscal Year 1999, the first year covered by the Act. The Secretary will determine to what degree the 1998 law must be implemented in the first fiscal year, which begins July 1, 1999.

Purposes of the Perkins Act

- further develop the academic, vocational and technical skills of vocational students through high standards
- link secondary and postsecondary vocational programs
- increase flexibility in the administration and use of federal funds
- disseminate national research about vocational and technical education
- provide professional development and technical assistance to vocational educators

Section 5. Privacy

Parents and students have privacy protections afforded to them through section 444 of the General Education Provisions Act, as amended by the Family Educational Rights and Privacy Act of 1974. The text of these provisions may be found in the Appendix to this guide. Nothing in the Perkins Act is permitted to violate these protections. Further, this section prohibits the use of this Act to create a national database containing information about individuals who receive services under this Act.

Notes: For the purposes of this section-by-section analysis, the Perkins Act that expired (Carl D. Perkins Vocational and Applied Technology Education Act of 1990) will be cited as the "1990 Perkins Act." The new law (Carl D. Perkins Vocational and Technical Education Act of 1998) will be cited as the "1998 Perkins Act" or the "Act." The "Secretary" refers to the U.S. Secretary of Education. The Workforce Investment Act of 1998 (P.L. 105-220) will be cited as "WIA." The Higher Education Act of 1965 will be cited as "HEA."

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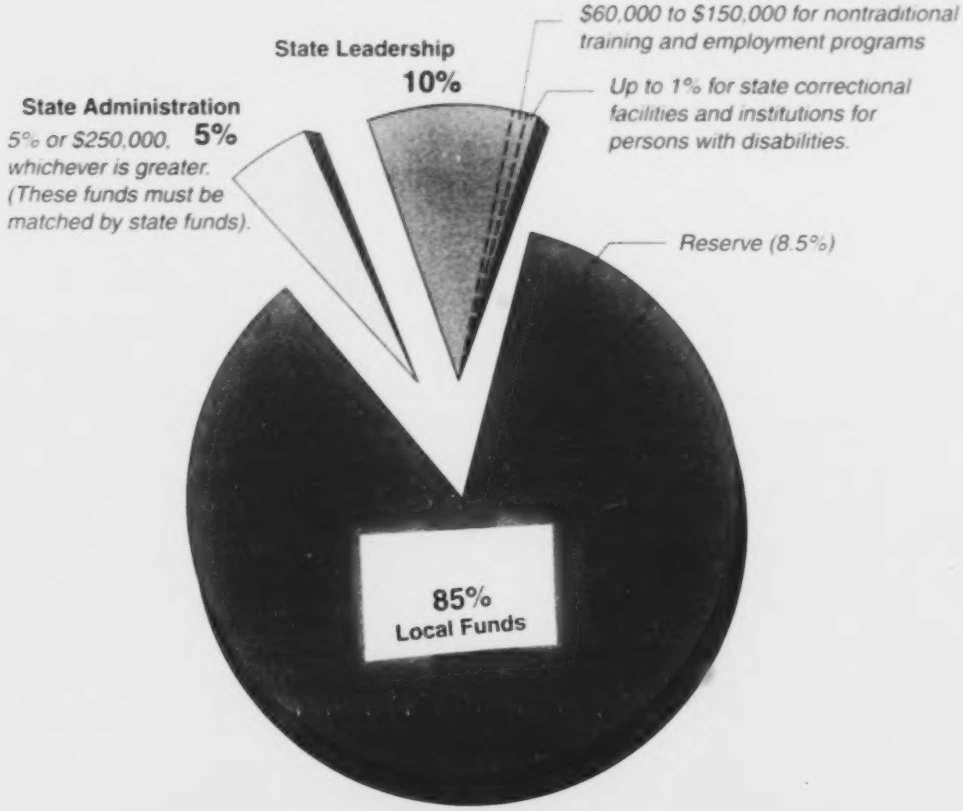
1998 Perkins Act State Allocations



Perkins Act and Related Appropriations for Fiscal Year 1999

($ in Millions)

PROGRAMS	FY 98	FY 99	CHANGE
Voc Ed Basic Grants	$1,027.5	$1,031.6	$3.1
Tech-Prep Education	103.0	106.0	3.0
Tribally Controlled Postsecondary Institutions	3.1	4.1	1.0
National Programs	13.5	13.5	0.0
School-to-Work	400.0	250.0	(150.0)
Adult Ed. State Grants	345.4	365.0	19.7
NOICC/SOICC	9.0	9.0	0.0

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Section 6. Limitation

This section specifically prohibits the use of funds from this Act to fund the School-to-Work Opportunities Act of 1994 (STWOA) and also prohibits the use of funds to carry out activities that are funded under STWOA. This may create confusion as to whether provisions that are contained in both STWOA and the 1998 Perkins Act may be supported by Perkins funds. To address this concern, the Act makes an important exception to ensure that any activity authorized under the 1998 Perkins Act may be carried out, regardless of whether or not it is identical or similar to any provision in STWOA. In other words, 1998 Perkins Act funds may be used to carry out the activities for individuals eligible to participate under the 1998 Perkins Act, even if the activity also is authorized under STWOA.

Section 7. Special rule

Labor organizations are referenced in several instances in the 1998 Perkins Act, such as in the state plan provisions that require that labor organizations be included in the development, implementation and evaluation of vocational and technical education programs funded under this Act. This section allows for other employee representatives to be substituted for labor organizations in communities where labor organizations do not exist.

Section 8. Authorization of appropriations

This section allows federal funds to be appropriated for this Act for each of the fiscal years 1999 through 2003, except for specific sections in the Act that have their own funding authorizations (National Activities, Tribally Controlled Postsecondary Vocational and Technical Institutions, Occupational and Employment Information, Tech-prep Education, and Tech-prep Demonstration Program). The section provides no specific dollar amount and therefore creates no specific limitations on the appropriations amount. (See section 111 for reservations of funds within this appropriation.)

TITLE I
VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

Part A—Allotment and Allocation

Section 111. Reservations and State Allotment

This section describes how the federal appropriation provided under section 8 is to be allocated. "Reservations" refers to the amounts reserved for use at the national level and "state allotment" refers to how much each state will receive from the remaining funds once the "reservations" are subtracted from the total appropriation.

RESERVATIONS

Of the funds appropriated under section 8 of this Act, the following will be reserved for the purposes described:

- 0.2% is to carry out section 115, Assistance for the outlying areas.
- 1.50% is to carry out section 116, Native American Program. This 1.5% is divided as follows:
  - 1.25% is for section 116(b), Native American Program.
  - 0.25% is for section 116(h), Native Hawaiian Programs.
  - 0.54% is authorized for Incentive Grants as described in the Workforce Investment Act ("WIA", Section 503 of Public Law 105-220, see Appendix) in each of the fiscal years 2000 through 2003. These funds will be used by the U.S. Secretary of Labor, along with funds provided through programs funded under WIA, for grants to states that exceed performance measures in the Perkins Act as well as in the job training and adult education titles under WIA and that apply for the funds.

STATE ALLOTMENT FORMULA

The Act uses the same state allotment formula as the 1990 Perkins Act. This formula determines how much money each state will receive in a fiscal year. The "populations" listed refer to those in the state in the fiscal year preceding the fiscal year for which the allotment determination is made, and all ages listed are inclusive (meaning that, in the case of the first age group listed, all 15-year-olds will be included as well as all 19-year-olds, and all those whose ages fall between 15 and 19). The term "state" refers to each of the states in the United States, plus the District of Columbia, the Commonwealth of Puerto Rico and the U.S. Virgin Islands. The factors used in determining the amount that each state will receive are as follows:

Factors: 50%—population aged 15 to 19
20%—population aged 20 to 24
15%—population aged 25 to 65
15%—population aged 15 to 65

As in the 1990 Perkins Act, the small state minimum allotment will be 0.5% of the appropriation after the reservations are subtracted. The amounts for small states will be allotted first, with the other state allotments coming from the balance remaining from the total amount available for state grants.

No state can receive more than 150% of the amount it received the previous year. A hold harmless provision is included that ensures that each state will receive an allotment that at least equals its allotment for fiscal year 1998. If, however, total appropriations are reduced, thereby prohibiting each state from receiving such an amount, the payments to states will be reduced proportionately (referred to in the text of the law as "ratably" reduced).

REALLOTMENT/ALLOTMENT RATIO

These provisions deal with allotting funds on the basis of need. The Secretary is directed to give weighting to the per capita income of a state in determining the state allotment and may reallot funds that are not needed by a state.

Section 112. Within State Allocation

This section stipulates how a state will allocate its state allotment between state and local activities.

LOCAL FUNDS

At least 85 percent of funds made available under the state allotment must flow to local eligible recipients (secondary and postsecondary vocational and technical education programs as described in sections 131 and 132).

Reserve: Of the minimum 85% of funds that must flow to the local level, up to 10% (or 8.5% of the total state allotment) may be distributed to local eligible recipients in a manner determined by the eligible agency (considered to mean state board for vocational education—see definition in section 3) for uses described in section 135, Local Uses of Funds. Thus, these funds have the same required and allowable uses as those distributed through the in-state secondary and postsecondary formulas (sections 131 and 132). However, the state must distribute funds to at least two of the following four types of areas if any funds are distributed under this provision:

- rural areas,
- areas with high percentages of vocational and technical students,
- areas with high numbers of vocational and technical students, and
- areas negatively impacted by changes to the in-state secondary distribution formula (section 231, the in-state secondary distribution formula of the 1990 Act, is changed for fiscal years 2000-2003. The old and new provisions are in section 131 of the 1998 Act, with the old applying to fiscal year 1999 and the new applying to fiscal years 2000-2003).

The remainder of these local funds must be distributed among eligible recipients according to the formulas described in sections 131 or 132, the in-state secondary and postsecondary distribution formulas.

STATE FUNDS

State Leadership. Up to 10% of the state allotment may be used for state leadership activities that are described in section 124. The eligible agency will determine the amount expended for the following activities:

> *Correctional Institutions, Institutions for Individuals with Disabilities.* Of the leadership funds, an amount equal to no more than 1% of the state allotment must be used for serving individuals in state institutions, such as correctional facilities or institutions serving individuals with disabilities. Thus, some money must be expended for these activities, but no minimum amount is listed and the maximum allowable is 1% of the state allotment. No state matching funds are required.
>
> *Nontraditional training and employment.* At least $60,000 and no more than $150,000 must be used for services that prepare individuals for nontraditional training and employment. This is similar to the gender equity funding in the 1990 Act, though under that Act funds came out of state administration funds. In the 1998 Act they come from state leadership funds. Under the 1990 Act, not less than $60,000 was used from state administration funds for gender equity activities. Under the 1998 Act, at least $60,000 but not more than $150,000 must be used for such activities, now called "nontraditional training and employment." And unlike the 1990 Act, the 1998 Act does not require the state to hire a gender equity coordinator.

State Administration. The eligible agency may reserve up to 5% of the state allotment or $250,000, whichever is greater, for the administration of the state plan. The eligible agency must provide matching funds on a dollar-for-dollar basis from non-federal sources. These funds may be used only for the following activities.

Uses of state administration funds:

- developing the state plan,
- reviewing local plans,

- monitoring and evaluating program effectiveness,
- assuring compliance with all applicable federal laws,
- providing technical assistance.

Section 113. Accountability

STATE PERFORMANCE MEASURES

This section establishes a state performance accountability system designed to assess the effectiveness of the state in achieving statewide progress in vocational and technical education.

The state-developed performance measures must consist of core indicators, additional indicators that the state determines, and the state adjusted levels of performance for the core indicators.

> ***Performance measures will require states to continually make progress toward improving the performance of vocational and technical education students.***

Core indicators. The eligible agency, with input from local recipients of funds (referred to in this Act as "eligible recipients"), must establish performance measures that include core indicators consisting of, at a minimum, the following:

- attainment of challenging academic, vocational and technical standards,
- attainment of a secondary diploma or equivalency, skill certificate, or postsecondary degree or credential,
- placement in further education or training, employment, or military service,
- completion of programs for nontraditional training and employment,

Existing state performance measures that meet the requirements of this section may be used. The Act emphasizes that the eligible agency must establish performance measures on its own, with input from eligible recipients.

State Adjusted Levels of Performance. With input from eligible recipients, the eligible agency must establish and include in the state plan levels of performance for the core indicators that are expressed in percentage or numerical form and require continual improvement.

This set of levels will apply to the first two years of the state plan. Prior to the third program year, agreement must be reached on levels for each of the remaining three years of the state plan. The Secretary and the eligible agency must reach agreement on these levels, with the Secretary's role being limited to reaching agreement on the numbers or percentages. The agreement must take into account how the state's levels of performance compare to those of other states. Levels may be revised if unforeseen circumstances (such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the state) arise that affect the outcome.

The eligible agency must submit a report to the Secretary each year regarding the state's progress in achieving the performance levels, including the performance of special populations. The Secretary will make state-by-state comparisons and will issue a report to Congress and the public.

Section 114. National Activities

This section authorizes activities by the Secretary that are national in scope, or that provide assistance to states in implementing the provisions of the Act.

PROGRAM PERFORMANCE INFORMATION

The Secretary is required to collect performance information and report on the condition of vocational and technical education and on the effectiveness of state and local programs, services and activities covered under this title. The Secretary will report to Congress annually on the aggregate performance information of all states, including the performance of special populations. The collection of performance information must be compatible with other federal efforts to collect similar information and must be done at a reasonable cost. The National Center for Education Statistics must collect and report information regarding vocational and technical education for a nationally representative sample of students. International comparisons are permissible. All states receiving assistance under this Act must cooperate with the Secretary in implementing the information systems. Further details of how this section will be implemented will be determined by the Secretary with input from the states.

RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION AND ASSESSMENT

Under the requirements of this section, the Secretary must develop a single plan to carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to vocational and technical education programs under the Act. The plan will describe activities conducted under this section and how vocational and technical education will be evaluated.

ADVISORY PANEL

An independent advisory panel must be appointed by the Secretary to advise the Secretary on how to conduct the evaluation and assessment of vocational and technical education. The panel must submit an independent analysis of the findings and recommendations of the assessment to the Congress. The panel must consist of:

- vocational and technical education administrators, educators and researchers,
- representatives of labor organizations and businesses,
- parents,
- guidance and counseling professionals, and
- other relevant groups.

NATIONAL ASSESSMENT

Required for inclusion in the evaluation and assessment are the following items:

- the extent to which vocational and technical education programs have been developed, implemented or improved and the effect that programs funded under this Act have had in that development, implementation or improvement,
- the extent to which federal funds assist in program improvement, including the impact of federal allocation requirements such as the within state allocation formulas,
- the preparation and qualifications of teachers, including teacher shortages,
- student participation in vocational and technical education,
- academic and employment outcomes of vocational education, including:
  - ✓ the number of students in vocational and technical education and tech-prep meeting state adjusted levels of performance,
  - ✓ the extent and success of the integration of academic, vocational and technical instruction, and
  - ✓ the extent to which programs prepare students for employment in employment in high-skill, high-wage careers or post-secondary education.
- employer involvement in and satisfaction

The Secretary will develop a single plan to carry out research, development, dissemination, evaluation and assessment, capacity building and technical assistance with regard to vocational and technical education programs under the Act.

with vocational and technical education,

- the use and impact of educational technology and distance learning, and
- the effect of performance levels on the delivery of services.

REPORTS TO CONGRESS

The Secretary must submit an interim report to Congress on the evaluation and assessment by January 1, 2002, and a final report by July 1, 2002.

NATIONAL RESEARCH CENTER OR CENTERS

The Secretary is required to award grants, contracts or cooperative agreements on a competitive basis to an institution of higher education, a public or private non-profit organization or agency, or a consortium of such entities, to establish a national center (or centers) to:

- develop, improve and identify the most successful methods of meeting the education, training and employment needs of students participating in vocational and technical education programs,
- carry out research to improve vocational and technical education, and
- carry out research and activities to improve learning and teacher training in vocational and technical education, including inservice and preservice teacher education and serving as a repository for information on skills, standards and related issues.

The center or centers must provide an annual report to the Secretary, Congress, the Library of Congress and each eligible agency regarding the key findings.

DEMONSTRATIONS AND DISSEMINATION

In order to assist in the improvement of vocational and technical education programs, the Secretary may carry out demonstration vocational and technical education programs to replicate model programs, disseminate best practices information and provide technical assistance to states.

The Secretary is required to carry out a demonstration partnership project involving a 4-year accredited postsecondary institution, in cooperation with local public education organizations, volunteer groups and business participants to provide vocational and technical education programs through multisite, multi-state distance learning technologies. This may be carried out directly or through the national center or centers.

AUTHORIZATION OF APPROPRIATION

This section allows federal funds to be appropriated specifically for National Activities for each of the fiscal years 1999 through 2003. The section provides no specific dollar amount and therefore creates no specific limitations on the appropriations amount.

Section 115. Assistance for the Outlying Areas

From the appropriation authorized under section 8, 0.2% must be reserved for outlying areas, and from this 0.2%, Guam receives $500,000 and America Samoa and the Northern Mariana Islands receive $190,000.

The remainder is allocated to the Pacific Region Educational Laboratory to make direct grants for vocational and technical education services in Guam, America Samoa, Palau, Northern Mariana Islands, Micronesia, and the Marshall Islands. The Pacific Region Educational Laboratory may use no more than 5% for its administrative purposes. In Fiscal Year 2002 and subsequent fiscal years, no funds will be provided to Marshall Islands, Micronesia, and Palau.

Section 116. Native American Program

The Secretary will make grants to and enter into contracts with Indian tribes, tribal organizations, and Alaska native groups to carry out the authorized programs described in this section.

Secondary school programs funded by the Bureau of Indian Affairs are not eligible to receive funds directly under this section. Instead, these programs are eligible for funds under section 131(i). However, these secondary school programs may receive support under this section indirectly through a grant or contract with an Indian tribe, tribal organization, or an Alaska Native entity that receives funds under this section to assist the secondary school in carrying out vocational and technical education programs.

The Bureau of Indian Affairs will pay a part of the costs of programs funded under this section, if sufficient funding is available.

Section 117. Tribally Controlled Postsecondary Vocational and Technical Institutions

The Secretary will make grants to tribally controlled postsecondary vocational and technical institutions for the purpose of providing basic support for the education and training of Indian students. This section requires that if funds appropriated for these activities are not sufficient to allow the per-pupil expenditure at each institution to remain equal to that of the previous fiscal year, with adjustments for inflation, the Secretary will allocate to the institution the amount necessary to meet these costs, adjusted for inflation.

Section 118. Occupational and employment information

This section replaces the 1990 Act provisions for the National Occupational Information Coordinating Committee (NOICC) and the State Occupational Information Coordinating Committees (SOICC). The new provisions continue to authorize funds for national and state activities regarding occupational information, but do not specifically name NOICC or the SOICCs as required recipients of the funds. The House and Senate conference committee, in its statement accompanying the final legislative language of the 1998 Act, did include a mention of the SOICCs as possible recipients.

This section authorizes the Secretary to designate an entity at the national level to carry out activities relating to occupational and employment information for vocational and technical education programs. This entity is to be chosen by the Secretary in consultation with other appropriate federal agencies (presumably including the U.S. Department of Labor). It may or may not be the existing National Occupational Information Coordinating Committee. The section reserves not more than 15% of the appropriation for use by the national entity.

In addition, for a state to receive funds under this section, the eligible agency and Governor must jointly designate an entity at the state level (which may be the SOICC) to conduct activities related to:

- improving career and education opportunities and decision-making,
- making available information and planning resources that relate to educational preparation and career goals, and
- providing other career-related educational resources and training.

This section reserves at least 85% of the appropriation for these activities to be distributed to the states. No specific distribution formula is included.

The Secretary must report to Congress annually on the activities funded under this section.

AUTHORIZATION OF APPROPRIATIONS

This section allows federal funds to be appropriated specifically for Occupational and Employment Information Activities for each of the fiscal years 1999 through 2003. The section provides no specific dollar amount and therefore creates no specific limitations on the appropriations amount.

Part B—State Provisions

Section 121. State Administration

This section details the responsibilities of the eligible agency, which include:

- coordinating the development, submission and implementation of the state plan as well as the evaluation of activities carried out under this title, including nontraditional employment and training,
- consulting with the governor and other agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, state and local officials, and local program administrators,

- convening and meeting as an eligible agency at least 4 times annually,
- adopting procedures to coordinate with the state workforce investment boards authorized in WIA (section 111 of P.L. 105-220, see Appendix) and make available to the one-stop delivery system authorized under WIA (section 121 of Public Law 105-220, see Appendix) a listing of all school dropout, postsecondary, and adult programs assisted under this title.

As in the 1990 Act, responsibilities of the eligible agency other than those above may be delegated to one or more other appropriate state agencies (which might be a state education agency, a state agency responsible for postecondary education or community colleges, or a state agency responsible for vocational and technical education, among others). This allows the designation of a state entity to administer the funds and activities authorized under this Act.

Section 122. State plan

5-YEAR PLAN

Each eligible agency seeking funding under this title must submit a 5-year plan to the Secretary. Annual revisions may be made as needed, at the discretion of the eligible agency. After the second year, the eligible agency must conduct a review of the activities receiving funding under this title, with public hearings to allow all segments of the community to have input into the state plan. A summary of the resulting recommendations must be included in the state plan.

CONSULTATION

The eligible agency must develop and implement procedures for consulting all of the following during the development of the state plan:

- teachers,
- parents,
- students,
- the governor,
- eligible recipients,
- interested community members, and
- representatives of business and industry, labor organizations, and special populations.

In developing the state plan, each eligible agency must consult with other state agencies responsible for secondary and postsecondary vocational and technical education, including agencies responsible for community and technical colleges, adult education, tech-prep, and secondary education, on portions relevant to their areas of responsibility. Any of these agencies may file objections to the state plan and the eligible agency must include a response to such objections in the state plan.

CONTENTS

Each state plan must describe how Perkins funds will be used to:

1. Design the vocational and technical education activities funded under this Act that meet or exceed state adjusted performance levels, including:
   - secondary and postsecondary vocational and technical education programs to develop, expand and improve access to quality, state-of-the-art technology in vocational and technical education,
   - criteria that will be used to approve local applications,
   - how programs prepare students for postsecondary education or high-skill, high-wage careers, and
   - how funds will be used to develop or improve programs.
2. Provide professional development, including initial teacher preparation, to vocational and technical, academic, guidance and administrative personnel.
3. Involve parents, teachers, businesses and labor organizations in the planning, development, implementation and evaluation of programs.
4. Allocate funds among secondary school vocational and technical education, or postsecondary and adult vocational and technical education, or both, or though consortia of secondary and postsecondary programs
5. Improve academic and technical skills of

students by strengthening programs, integrating academic and vocational and technical education, and providing experience in and an understanding of all aspects of an industry; and ensure that vocational and technical education students are taught to the same challenging academic standards as are taught to all other students.

6. Annually evaluate the effectiveness of programs and ensure non-duplication with other federal programs.
7. Devise program strategies for serving special populations.
8. Provide individuals who are members of special populations with equal access to vocational education and further describe how they will not be discriminated against and will be provided with programs designed to enable them to meet or exceed state adjusted levels of performance and prepare them for further learning and high-skill, high-wage careers.
9. Involve eligible recipients in developing state adjusted levels of performance.
10. Provide assurances regarding state compliance with the requirements of this title and the state plan, including financial audits.
11. Provide assurances that there will be no conflict of interest in equipment purchases.
12. Collect data to measure student progress, including special populations.
13. Meet the needs of students in alternative education programs, if appropriate.
14. Provide technical assistance to local eligible recipients.
15. Describe how vocational and technical education relates to employment opportunities in the state or region.
16. Develop methods for joint planning and coordination with other federal education programs.
17. Prepare students for nontraditional training and employment.
18. Serve students in state correctional institutions.
19. Effectively link secondary and postsecondary education.
20. Ensure that data reported by local eligible recipients are complete, accurate, and reliable.
21. Meet the requirements of WIA in sections 112(b)(8) and 121(c) regarding coordination of services for postsecondary students and school dropouts, including providing information to the one-stop delivery system established under WIA (see Appendix).

UNIFIED PLAN OPTION

The eligible agency may develop and submit the state plan as part of a unified plan authorized under WIA (section 501 of Public Law 105-220, see Appendix). Under these provisions, a state may include plans for postsecondary vocational and technical education in a unified plan, but inclusion of secondary vocational and technical education programs requires the approval of the state legislature. In addition, under a unified plan, all requirements of the Perkins Act must be met.

APPROVAL OF STATE PLAN

The Secretary must approve the state plan unless it does not meet requirements of the Act or performance indicators are not rigorous enough to meet the requirements of the Act. Before disapproving a state plan, the secretary must give the eligible agency notice and opportunity for a hearing. The Secretary has 90 days to disapprove a plan, otherwise it is deemed approved.

The implementation of the state plan requirements for Fiscal Year 1999 is at the discretion of the Secretary. Through the authority granted to the Secretary under section 4 (provision that is designed to ensure a smooth transition from the 1990 Perkins Act to the 1998 Perkins Act), the Secretary has flexibility in administering the Act for Fiscal Year 1999.

Section 123. Improvement plans

STATE IMPROVEMENT PLAN

To avoid sanctions, a state that fails to meet performance levels must submit an improvement plan in the fiscal year following the year in which it did not meet the state adjusted levels of performance as described in section 113.

LOCAL IMPROVEMENT PLAN

The eligible agency is required to evaluate a local eligible recipient's performance using state adjusted levels of performance. If the eligible recipient is not making substantial progress, the eligible agency will make an assessment of the needs and enter into an improvement plan (with regular evaluations) to assist the eligible recipient in overcoming deficiencies.

CONSULTATION

The eligible agency must consult with appropriate agencies, organizations and individuals in developing and implementing state and local improvement plans.

SANCTIONS

The Secretary must provide technical assistance in meeting state plan requirements to an eligible agency that is performing unsatisfactorily.

If a state does not perform satisfactorily, does not implement an improvement plan or shows no improvement within a year of implementing an improvement plan, or has performed unsatisfactorily for two or more years, the Secretary may withhold some or all funds to the state under this title. Before withholding funds, an opportunity for a hearing must be granted.

Funds withheld must, if an appropriate and effective use can be found, be distributed by the Secretary within the state to provide services and activities that meet the purposes of this Act. If such use of funds cannot be found, funds must be redistributed to other eligible agencies.

Section 124. State Leadership Activities

This section details 8 required and 12 permissible uses of leadership funds. The eligible agency shall determine how much to spend on each of the required and permissive activities. No funds may be used for administrative costs which are defined in the General Education Provisions Act (see Appendix). Leadership activities are either required or permissible and are listed below.

Required Uses:

1. Assessment of vocational and technical education programs funded under this title, including assessment of the participation and performance of special populations.
2. Expansion of the use of technology in vocational and technical education programs, including teacher training, distance learning and focusing on programs that lead to high technology and telecommunications careers.
3. Professional Development activities, including preservice and inservice training for vocational and technical, academic, guidance and administrative personnel that will:
    - improve parental and community involvement,
    - help teachers and personnel assist students in meeting state adjusted levels of performance,
    - ensure that educators stay current with industry trends, and
    - be coordinated with other education programs under title II of the Elementary and Secondary Education Act (ESEA) and title II of the Higher Education Act (HEA).
4. Improvement of the academic, vocational and technical skills of students by strengthening the components of the programs and integrating academic, vocational and technical education.
5. Nontraditional training and employment.
6. Partnerships among local education agencies, postsecondary institutions, adult education providers, employers, labor organizations and parents.
7. Serving individuals at state correctional institutions or institutions serving individuals with disabilities
8. Support of programs for special populations leading to high skill, high wage careers.

Permissible Uses:

1. Technical assistance for eligible recipients.
2. Career guidance and counseling.
3. Linkages between secondary and postsecondary vocational and technical education.
4. Cooperative education programs.
5. Vocational student organizations.
6. Public secondary charter schools offering vocational and technical education.
7. Training in all aspects of an industry.
8. Family and consumer sciences education.
9. Education and business partnerships.
10. Curriculum improvement and development.
11. Programs for adults and school dropouts to complete secondary education.
12. Job and postsecondary education placement.

Part C—Local Provisions

Section 131. Distribution of funds to secondary school programs

The Act modifies the formula for distributing funds for secondary programs within a state to local eligible recipients. The new Act permits time for transition by using the formula from the 1990 Act for Fiscal Year 1999. But distribution of funds for Fiscal Years 2000 - 2003 will follow a new formula, which is substantially similar to the 1990 Act but is not based on combining formulas from other laws (such as the Title I formula from the Elementary and Secondary Education Act, upon which the 1990 Perkins formula is based in part). Instead, the factors are described in their entirety, thus preventing fluctuations to the formula when the base components are changed through their own reauthorization processes. The factors upon which allocations are based in the new formula are:

- 70% of low income population aged 15-19 residing in the school district.
- 30% of the population aged 15-19 residing in the school district.

WAIVER

Unlike the 1990 Perkins Act, in which there was only one option for distribution of funds for secondary vocational and technical education, the 1998 Act allows an eligible agency to apply to the Secretary for a waiver on the implementation of the prescribed formula. To qualify for a waiver, an alternative formula must be submitted that more effectively targets funds on the basis of poverty.

MINIMUM ALLOCATION

A local education agency must qualify for a grant of at least $15,000 under the formula to receive an allocation, the same amount required under the 1990 Perkins Act. As in the 1990 Perkins Act, a LEA (Local Education Agency) may enter into a consortium with other LEAs to meet this requirement. The eligible agency may waive the minimum allocation requirement for rural LEAs that cannot enter into a consortium. In addition, the 1998 Act allows for a waiver for a public charter school with a vocational and technical education program that demonstrates that it cannot enter into a consortium.

Also, as in the 1990 law:

- Any funds not allocated because of the minimum grant requirement will be redistributed to LEAs that meet the $15,000 threshold.
- LEAs that serve only elementary schools may not receive funds. Funds that would otherwise be available for distribution to these LEAs will be distributed instead to the LEA or regional education agency that provides services to secondary students in that attendance area.
- For LEAs serving only secondary students, the student count will be based on the prior year's enrollment from the elementary schools that send students to the secondary schools concerned.

ALLOCATIONS TO AREA VOCATIONAL SCHOOLS

In instances in which the area vocational and technical school (AVTS) and education service agency (ESA) have joined with an LEA in a consortium or cooperative agreement, the eligible agency must distribute funds for which the local education agency LEA qualifies to the appropriate AVTS or ESA. The amount to be distributed to the AVTS or ESA will be based on the relative share of students in vocational and technical education programs. Thus, the money "follows" the students to the institution at which they are participating in vocational and technical education programs. The Act requires an appeals procedure to be set up to handle any dispute regarding this allocation.

The 1998 Perkins Act makes these two changes from the previous Act regarding allocations to area vocational and technical schools:

1. Eliminates the 1990 requirement that the AVTS or ESA serve an equal or greater proportion of students with special needs compared to the proportion in LEAs sending students to the schools.
2. Eliminates the ability of an LEA or ESA to distribute funds in any manner other than having the money follow the students.

CONSORTIUM REQUIREMENTS

Any consortium formed for the purposes of this section must comply with the requirements of section 135 (Local Uses of Funds), transfer its allocation to the AVTS or ESA, and operate programs that are of sufficient size, scope and quality as to be effective. A new requirement states that funds allocated to a consortium must be used to benefit all members of the consortium.

The Secretary will collect data from eligible agencies regarding the distribution of funds under this section.

Section 132. Distribution of funds for postsecondary vocational and technical education programs

The Act uses the same postsecondary within-state distribution formula as the 1990 Act, basing the allocation on the number of individuals receiving federal Pell grants and number of recipients of assistance form the Bureau of Indian Affairs.

CONSORTIA

Eligible institutions may enter into a consortium for the purposes of receiving funds under this title. Such consortia must:

- Provide services to all postsecondary institutions participating in the consortium (unless the eligible institution is in a rural, sparsely populated area),
- Provide services of sufficient size, scope, and quality to be effective, and
- Use funds in a manner that benefits all members of the consortium.

WAIVER

As in the 1990 Act, an eligible agency is allowed to apply to the Secretary for a waiver on the implementation of the prescribed formula. To qualify for a waiver, the eligible agency must show that the prescribed formula does not send funds to institutions or consortia that have the higher numbers of economically disadvantaged individuals. An alternative formula must effectively target funds to these individuals.

MINIMUM ALLOCATION

An eligible institution or consortium must qualify for a grant of at least $50,000 to receive an allocation, the same amount that was required under the 1990 Perkins Act.

Section 133. Special Rules for Vocational and Technical Education

SPECIAL RULE FOR MINIMAL ALLOCATION TO SECONDARY OR POSTSECONDARY PROGRAMS

As in the 1990 Act, if 15% or less of the state's allocation that must be distributed locally {the amount made available for local distribution in section 112(a)(1)} is made available to either secondary or postsecondary vocational-technical education, the eligible agency may distribute the funding on a competitive basis or based on an alternative method determined by the state. In other words, if the state, in determining its secondary/postsecondary split of funds, decides to give less than 15 percent to either secondary or postsecondary programs, the requirements regarding the distribution formulas are waived.

SPECIAL RULE FOR REDISTRIBUTION

If any funds are not expended at the local level within the academic year for which they are provided, they must be returned to the eligible agency for redistribution in that same year. If the funds are returned late in the year, they may be retained by the eligible agency for distribution locally in the next fiscal year.

SECONDARY/POSTSECONDARY CONSORTIA

The new law allows for secondary and postsecondary eligible recipients to work together to provide secondary and postsecondary vocational and technical education services that comply with this title. However, secondary schools or consortia thereof must apply to the eligible agency for funds dedicated to secondary programs, and postsecondary institutions or consortia thereof must apply to the eligible agency for funds dedicated to postsecondary programs. In working together, the secondary and postsecondary members must qualify for funds independent of one another as this provision does not give them the ability to apply jointly for funds.

CHARTER SCHOOLS

A public charter school providing vocational and technical education is not required by any provisions in sections 131 or 132 to take any additional steps to establish its eligibility beyond the requirements already imposed by the state. Thus, a charter school that is considered an LEA by the state would be eligible if it provided vocational and technical education and otherwise meets the requirements of this Act, unless other provisions in state law would prohibit its participation. Charter schools providing vocational and technical education programs can receive funds just as any other qualifying school, as long as the programs offered are of sufficient size, scope and quality to be effective.

Section 134. Local Plan for Vocational and Technical Education Programs

Eligible recipients need to submit a local plan in order to qualify to receive financial assistance under this title. The plan must correspond to the time period covered by the state plan described in section 122.

LOCAL PLAN CONTENTS

Requirements for the local plan will be determined by the state agency. Each local plan, however, must include a description of how Perkins funds will be used to do the following:

1. Describe local programs funded under this Act.
2. Show how local programs meet state adjusted performance levels.
3. Demonstrate how local programs will improve the academic and technical skills of students, including how they help vocational and technical education students to meet the same challenging academic proficiencies as are taught for all other students, and how students are taught about all aspects of an industry.
4. Indicate how interested parties, including parents, students, teachers, representatives of business, labor organizations and special populations, are involved in the development, implementation and evaluation of local programs.
5. Ensure that programs are of such size, scope and quality as to improve vocational and technical education.
6. Show the process used to evaluate and promote improvement in the performance of the eligible recipient.
7. Describe how the needs of special populations will be met and how programs will be designed to enable special populations to meet the state adjusted levels of performance.
8. Describe how discrimination against special populations will be prevented.
9. Indicate how funds will be used to promote nontraditional training and employment.
10. Describe professional development activities (including initial teacher preparation) that will be provided for vocational and technical, academic, guidance and administrative personnel.

Section 135. Local uses of funds

Each eligible recipient receiving funds under this Act may not use more than 5% for administrative purposes. The balance of the funds may be used as follows:

Required uses of local funds:

1. Strengthen academic, vocational and technical skills of students through integration of academic, vocational and technical programs.
2. Provide programs that address all aspects of an industry.
3. Develop, improve, and expand the use of technology, which may include professional development, providing students with the ability to enter high technology and telecommunications careers and encouraging schools to work with high technology industries.
4. Provide professional development for teachers, administrators and counselors, including in-service and pre-service training and practices to involve parents and the community.
5. Evaluate programs and assess how special populations are being served.
6. Develop and upgrade programs.
7. Provide services of sufficient size, scope and quality.
8. Link secondary and postsecondary education.

Permissible uses of local funds:

1. Involve parents, businesses and labor organizations in planning, implementing, and evaluating vocational and technical education programs.
2. Provide career guidance and academic counseling.
3. Provide work-related experiences.
4. Provide programs for special populations.
5. Support local business and education partnerships.
6. Assist vocational student organizations.
7. Provide mentoring and support services.
8. Lease, purchase and upgrade equipment.
9. Provide initial teacher preparation, including that for teacher candidates from business and industry.
10. Develop and improve curriculum.
11. Support family and consumer sciences education.
12. Provide programs for adults and school dropouts to complete secondary education.
13. Provide services for placement in employment and further education.
14. Support nontraditional training and employment.
15. Other activities consistent with purposes of this Act.

TITLE II

TECH-PREP EDUCATION

Section 201. Short Title

This section names title II of the Act as the "Tech-Prep Education Act."

Section 202. Definitions

This title contains definitions of articulation agreement "which prevents duplication within sequences of courses" and "community college" (which has the same meaning as in the HEA—see Appendix).

In addition, a tech-prep program is defined as a program that provides technical preparation in a career field such as engineering, applied science, a mechanical, industrial or practical art or trade, agriculture, health occupations, business or applied economics, and must do the following:

- Combines at least two years of secondary and two years of postsecondary education in a sequential course of study without duplication of coursework.
- Integrates academic, vocational and technical education and, if appropriate and available, work-based learning
- Provides technical preparation for careers.
- Builds student competence in core academic and technical areas.
- Leads to an associate or a baccalaureate degree or a postsecondary certificate in a specific career field.
- Leads to placement in appropriate employment or further education.

Section 203. State allotment and application

States will receive tech-prep funds based on the same allotment formula as is used in Title I, with funding being administered by the eligible agency as in Title I, if the state submits an application as part of its state plan to the Secretary in the timeframe and with accompanying information as deemed necessary by the Secretary.

Section 204. Tech-Prep Education

As in the 1990 Act, local grants may be awarded within a state on a competitive basis or on the basis of a formula determined by the eligible agency. Grants must be awarded to consortia of one or more secondary providers of vocational and technical education and:

- One or more non-profit institutions of higher education that offer:
  - ✓ 2-year associate degree or certificate programs and is permitted to receive funds under section 102 of HEA (which allows institutions that meet certain eligibility requirements to participate in the federal student aid programs - see Appendix), including an institution receiving assistance under the Tribally Controlled College or University Assistance Act and a tribally controlled postsecondary vocational and technical institution; or
  - ✓ a 2-year apprenticeship program that follows secondary instruction, if the institution is not prohibited from receiving funds under part B of title IV of HEA (federal student loan programs).
- One or more proprietary institutions of higher education that offer a 2-year associate degree program, are qualified to receive funds under section 102 of HEA, and are not subject to a default management plan required by the Secretary.

In addition, the consortia may include postsecondary institutions that offer baccalaureate degrees and employer or labor organizations. These entities, however, would not qualify to receive funding to support programs unless, in the case of the postsecondary institution, it also qualified to be in the consortia by virtue of providing 2-year programs.

DURATION

Grant recipients must use funds to develop four or six-year tech-prep programs.

CONTENTS OF TECH-PREP PROGRAM

Every tech-prep program must include an articulation agreement, must consist of at least 2 years of secondary and at least 2 years of postsecondary education or an apprenticeship program of at least 2 years following secondary instruction. (The 1990 Act, with subsequent amendments prior to the passage of the 1998 Act, allowed tech-prep to encompass up to 4 years of secondary education, but only 2 years of postsecondary education.)

Each program must have a common core of required proficiency in math, science, reading, writing, communications, and technologies designed to lead to an associate's degree or a postsecondary certificate in a specific career field.

Each program also must meet academic standards developed by the state and link secondary schools and 2-year postsecondary institutions, and if possible, 4-year postsecondary institutions. Courses must not be duplicated in any part of the tech-prep program. Tech-prep programs must explore opportunities to enroll students simultaneously in secondary and postsecondary coursework.

Each tech-prep program must, where possible and appropriate, use work-based learning, educational technology, and distance learning.

Tech-prep programs also must include in-service training for teachers and counselors and must provide equal access to special populations.

Tech-prep funds may also be used to purchase equipment, acquire technical assistance from state and local entities with experience in tech-prep, and establish articulation agreements with a broader array of postsecondary institutions and employers using distance learning and educational technology.

Section 205. Consortium Applications

Each consortium must submit an application containing a 5-year plan for tech-prep education to the eligible agency under guidelines issued by the eligible agency. The plan will be reviewed after the second year. Approval is at the discretion of the eligible agency which must give special consideration to applications that include job and postsecondary education placement services, are developed with business and industry, address dropout prevention, re-entry, and the needs of special populations, provide education in areas where there are workforce shortages, show how students will meet high academic and employability competencies.

The distribution of funds within a state must include an equitable distribution between urban and rural consortium participants.

Section 206. Report

Each state must submit an annual report to the Secretary regarding the effectiveness of tech-prep programs and how funds are distributed within the state.

Section 207. Demonstration Program

This section authorizes a demonstration program for tech-prep programs to locate a secondary school on the site of a community college. Any demonstration project carried out under this section must involve a business member in the consortium. Only programs with the voluntary participation of secondary school students may qualify for funding. Summer internships may be offered.

The Secretary will establish procedures for administering this demonstration program. Appropriations are authorized for this section at a level of $25,000,000 for fiscal years 1999-2003. This means that Congress may appropriate funds up to this amount, but does not require Congress to appropriate any or all of the $25,000,000.

Section. 208. Authorization of Appropriations

Other than for the demonstration program in section 207, which would receive a separate appropriation, this section authorizes appropriations for tech-prep activities described in this Act. The section provides no specific dollar amount and therefore creates no specific limitations on the appropriations amount.

TITLE III
GENERAL PROVISIONS

Part A—Federal Administrative Provisions

Section 311. Fiscal Requirements

SUPPLEMENT NOT SUPPLANT

As in the 1990 Act, provisions are included to prohibit states from using federal funds to replace state and local funds for vocational and technical education and tech-prep activities.

MAINTENANCE OF EFFORT

The Act uses basically the same "maintenance of effort" language as the 1990 Act to ensure that states continue to provide funding for vocational and technical education programs at least at the level of support of the previous year. The Secretary may grant a waiver of up to 5% for exceptional or uncontrollable circumstances (such as a natural disaster or a dramatic financial decline) that affect the state's ability to continue funding at the prior year's levels.

In two new provisions in the 1998 Act,

- a state will be permitted to reduce the amount of state and local funding proportionate to federal reductions in support
- the Secretary is required to omit from the computation of how much a state must expend in order to "maintain its effort" special one-time expenditures within a state, such as capital expenditures and pilot projects.

Section 312. Authority to make payments

This section states that any authority to make payments or enter into contracts under this Act will be limited to amounts as are provided in advance in appropriations acts.

Section 313. Construction

This section states that there will be no federal control over any aspect of private, religious or home schools, regardless of whether a home school is treated as private or public under the law.

This section ensures that no student attending such a school will be excluded from participation in activities funded under this Act on the basis of the provisions of this Act. Therefore, state and local decision-making about such students' participation in public school activities, including vocational and technical education, will not be overruled by any provision in this Act.

Section 314. Voluntary selection and participation

No funds under this Act may be used to require secondary school students to choose or pursue a specific career path or major. Also prohibited is any mandate that any individual participate in a vocational and technical education program, including a program that requires the attainment of a federally-funded skill level, standard or certificate of mastery.

Section 315. Limitation for certain students

No funds may be used to provide vocational and technical education programs prior to the seventh grade. However, students below grade 7 are not prohibited from using equipment and facilities purchased with funds under this Act.

Section 316. Federal laws guaranteeing civil rights

This section states that nothing in the Act will be construed to be inconsistent with applicable federal law prohibiting discrimination on the basis of race, color, sex, national origin, age or disability in the provision of federal programs or services.

Section 317. Authorization of Secretary

The Secretary is authorized to receive and use funds collected by the federal government from fees for the use of property, rights-of-way and easements under the control of federal departments and agencies for the placement of telecommunications services that are dependent upon the utilization of general spectrum rights. The funds collected must be used to expand the use of technology in vocational and technical instruction.

Section 318. Participation of private school personnel

At the discretion of the eligible agencies or recipients, this section allows vocational and technical educators at nonprofit private institutions to participate in professional development activities located in the geographic area served by the agency or recipient.

Part B—State Administrative Provisions

Section 321. Joint funding

As in the 1990 Act, eligible agencies may provide additional funds, not including matching funds, under an applicable program that:

- Meets the requirements of this act and the applicable program.
- Serves the same individuals that are served under this Act.
- Provides services in a coordinated manner with services provided under this act.
- Uses funds to supplement, not supplant, funds provided from non-federal sources.

The term "applicable program" means any program under Chapters 4 and 5 of Subtitle B of Title I of WIA and the Wagner-Peyser Act.

Section 322. Prohibition on use of funds to induce out-of-state relocation of businesses

The section states that no funds provided under this act will be used to provide incentives or inducements to an employer to relocate a business enterprise from one state to another state if it results in a reduction in the number of jobs available in the state where the business enterprise is located.

Section 323. State administrative costs

This section continues the requirement that state administrative funds must be equal to the amount provided by the state in the previous year. In the 1998 Act, however, is an additional provision that states that if the federal amount is reduced, the state may reduce its expenditure by the same percentage.

Section 324. Limitation on Federal regulations

The Secretary may issue regulations only to administer and ensure compliance with the specific requirements of the Act.

Section 325. Student assistance and other Federal programs

This section stipulates that any funds under this Act that are provided to a student for the purpose of meeting attendance costs for a program will not count as income for that student for the purposes of the student's eligibility for other financial assistance from federally supported sources. In addition, it permits the use of funds provided under this Act for meeting the costs of vocational and technical education services required in the individualized education plans of students with disabilities pursuant to section 614(d) of the Individuals with Disabilities Education Act as well as services necessary to meet section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational and technical education.

Amendments to Other Laws

Section 2. Promoting Scholar-Athlete Competitions

This section amends ESEA with regard to scholar athlete competitions.

Section 3. References to Carl D. Perkins Vocational and Applied Technology Education Act

This sections amends a number of law that reference the Perkins Act by substituting the old name of the Act with the new name.

Section 4. Adult Education and Family Literacy

This section modifies the transition language in the Adult Education and Family Literacy Act provisions of WIA (P.L. 105-220).

Section 5. Technical and Conforming Amendments

This section makes technical corrections to WIA (P.L. 105-220).

Section 6. Repeals and Extensions of Previous Higher Education Amendment Provisions

This section repeals sections of the Higher Education Act that are no longer relevant.

The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended to read as follows: (a) Short Title—This Act may be cited as the Carl D. Perkins Vocational and Technical Education Act of 1998.

(Complete Text)

AN ACT

To amend the Carl D. Perkins Vocational and Applied Technology Education Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Carl D. Perkins Vocational and Technical Education Act of 1998.

(b) Table of Contents.—The table of contents for this Act is as follows:

Section 1. Short title; table of contents.
Section 2. Purpose.
Section 3. Definitions.
Section 4. Transition provisions.
Section 5. Privacy.
Section 6. Limitation.
Section 7. Special rule.
Section 8. Authorization of appropriations.

TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

Part A—Allotment and Allocation

Section 111. Reservations and State allotment.
Section 112. Within State allocation.
Section 113. Accountability.
Section 114. National activities.
Section 115. Assistance for the outlying areas.
Section 116. Native American program.
Section 117. Tribally controlled postsecondary vocational and technical institutions.
Section 118. Occupational and employment information.

Part B—State Provisions

Section 121. State administration.
Section 122. State plan.
Section 123. Improvement plans.
Section 124. State leadership activities.

Part C—Local Provisions

Section 131. Distribution of funds to secondary school programs.

Section 132. Distribution of funds for postsecondary vocational and technical education programs.
Section 133. Special rules for vocational and technical education.
Section 134. Local plan for vocational and technical education programs.
Section 135. Local uses of funds.

TITLE II—TECH-PREP EDUCATION

Section 201. Short title.
Section 202. Definitions.
Section 203. State allotment and application.
Section 204. Tech-prep education.
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Section 206. Report.
Section 207. Demonstration program.
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TITLE III—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

Section 311. Fiscal requirements.
Section 312. Authority to make payments.
Section 313. Construction.
Section 314. Voluntary selection and participation.
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PART B—STATE ADMINISTRATIVE PROVISIONS

Section 321. Joint funding.
Section 322. Prohibition on use of funds to induce out-of-State relocation of businesses.
Section 323. State administrative costs.
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SECTION 2. PURPOSE.

The purpose of this Act is to develop more fully the academic, vocational, and technical skills of secondary students and postsecondary students who elect to enroll in vocational and technical education programs, by—

(1) building on the efforts of States and localities to develop challenging academic standards;

(2) promoting the development of services and activities that integrate academic, vocational, and technical instruction, and that link secondary and postsecondary education for participating vocational and technical education students;

(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve vocational and technical education, including tech-prep education; and

(4) disseminating national research, and providing professional development and technical assistance, that will improve vocational and technical education programs, services, and activities.

SECTION 3. DEFINITIONS.

In this Act:

(1) Administration.—The term "administration," when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient's duties under this Act, including supervision, but does not include curriculum development activities, personnel development, or research activities.

(2) All aspects of an industry.—The term "all aspects of an industry" means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

(3) Area vocational and technical education school.—The term "area vocational and technical education school" means—

(A) a specialized public secondary school used exclusively or principally for the provision of vocational and technical education to individuals who are available for study in preparation for entering the labor market;

(B) the department of a public secondary school exclusively or principally used for providing vocational and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

(C) a public or nonprofit technical institution or vocational and technical education school used exclusively or principally for the provision of vocational and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides vocational and technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

(4) Career guidance and academic counseling.—The term "career guidance and academic counseling" means providing access to information regarding career awareness and planning with respect to an individual's occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

(5) Charter school.—The term "charter school" has the meaning given the term in section 10306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066).

(6) Cooperative education.—The term "cooperative education" means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related vocational and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(7) Displaced homemaker.—The term "displaced homemaker" means an individual who—

(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;

(ii) has been dependent on the income of another family member but is no longer supported by that income; or

(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under this title; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(8) Educational service agency.—The term "educational service agency" has the meaning given the

term in section 14101 of the Elementary and Secondary Education Act of 1965.

(9) ELIGIBLE AGENCY.—The term "eligible agency" means a State board designated or created consistent with State law as the sole State agency responsible for the administration of vocational and technical education or for supervision of the administration of vocational and technical education in the State.

(10) ELIGIBLE INSTITUTION.—The term "eligible institution" means—

(A) an institution of higher education;

(B) a local educational agency providing education at the postsecondary level;

(C) an area vocational and technical education school providing education at the postsecondary level;

(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.);

(E) an educational service agency; or

(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).

(11) ELIGIBLE RECIPIENT.—The term "eligible recipient" means—

(A) a local educational agency, an area vocational and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or

(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132.

(12) GOVERNOR.—The term "Governor" means the chief executive officer of a State or an outlying area.

(13) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.—The term "individual with limited English proficiency" means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment in which a language other than English is the dominant language.

(14) INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term "individual with a disability" means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) INDIVIDUALS WITH DISABILITIES.—The term "individuals with disabilities" means more than 1 individual with a disability.

(15) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965.

(16) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(17) NONTRADITIONAL TRAINING AND EMPLOYMENT.—The term "nontraditional training and employment" means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(18) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(19) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term "postsecondary educational institution" means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(20) SCHOOL DROPOUT.—The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(21) SECONDARY SCHOOL.—The term "secondary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(22) SECRETARY.—The term "Secretary" means the Secretary of Education.

(23) SPECIAL POPULATIONS.—The term "special populations" means—

(A) individuals with disabilities;

(B) individuals from economically disadvantaged families, including foster children;

(C) individuals preparing for nontraditional training and employment;

(D) single parents, including single pregnant women;

(E) displaced homemakers; and

(F) individuals with other barriers to educational achievement, including individuals with limited

English proficiency.

(24) State.—The term "State," unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

(25) Support services.—The term "support services" means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

(26) Tech-prep program.—The term "tech-prep program" means a program of study that—

(A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a nonduplicative sequential course of study;

(B) strengthens the applied academic component of vocational and technical education through the integration of academic, and vocational and technical, instruction;

(C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;

(D) builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and

(E) leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment, or further education.

(27) Tribally controlled college or university.—The term "tribally controlled college or university" has the meaning given such term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

(28) Tribally controlled postsecondary vocational and technical institution.—The term "tribally controlled postsecondary vocational and technical institution" means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that paragraph (2) of such section shall not be applicable and the reference to Secretary in paragraph (5)(A) of such section shall be deemed to refer to the Secretary of the Interior) that—

(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

(B) offers a technical degree or certificate granting program;

(C) is governed by a board of directors or trustees, a majority of whom are Indians;

(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;

(E) has been in operation for at least 3 years;

(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational and technical education; and

(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

(29) VOCATIONAL AND TECHNICAL EDUCATION.—The term "vocational and technical education" means organized educational activities that—

(A) offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a baccalaureate, master's, or doctoral degree) in current or emerging employment sectors; and

(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

(30) VOCATIONAL AND TECHNICAL STUDENT ORGANIZATION.—

(A) IN GENERAL.—The term "vocational and technical student organization" means an organization for individuals enrolled in a vocational and technical education program that engages in vocational and technical activities as an integral part of the instructional program.

(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in vocational and technical education at the local level.

SECTION 4. TRANSITION PROVISIONS.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under provisions of the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998.

SECTION 5. PRIVACY.

(a) GEPA.—Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g), as added by the Family Educational Rights and Privacy Act of 1974 (section 513 of Public Law 93-380; 88 Stat. 571).

(b) Prohibition on Development of National Database.—Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this Act.

SECTION 6. LIMITATION.

All of the funds made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-To-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.

SECTION 7. SPECIAL RULE.

In the case of a local community in which no employees are represented by a labor organization, for purposes of this Act the term "representatives of employees" shall be substituted for "labor organization."

SECTION 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and 118, and title II) such sums as may be necessary for each of the fiscal years 1999 through 2003.

TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

SECTION 111. RESERVATIONS AND STATE ALLOTMENT.

(a) RESERVATIONS AND STATE ALLOTMENT.—

(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

(A) 0.2 percent to carry out section 115;

(B) 1.50 percent to carry out section 116, of which—

(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

(ii) 0.25 percent of the sum shall be available to carry out section 116(h); and

(C) in the case of each of the fiscal years 2000 through 2003, 0.54 percent to carry out section 503 of Public Law 105-220.

(2) STATE ALLOTMENT FORMULA.—Subject to paragraphs (3) and (4), from the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

(A) an amount that bears the same ratio to 50 percent of the sums being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount that bears the same ratio to 20 percent of the sums being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount that bears the same ratio to 15 percent of the sums being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount that bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

(3) Minimum allotment.—

(A) In general.—Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (4), no State shall receive for a fiscal year under this subsection less than \1/2\ of 1 percent of the amount appropriated under section 8 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

(B) Requirement.—No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year (or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

(C) Special rule.—

(i) In general.—Subject to paragraph (4), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

(I) 150 percent of the amount that the State received in the preceding fiscal year (or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998); and

(II) the amount calculated under clause (ii).

(ii) Amount.—The amount calculated under this clause shall be determined by multiplying—

(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

(II) 150 percent of the national average per pupil payment made with funds available under this section for that year (or in the case of fiscal year 1999, only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

(4) Hold harmless.—

(A) In general.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998) for fiscal year 1998.

(B) Ratable reduction.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

(b) Reallotment.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which the funds were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

(c) Allotment Ratio.—

(1) In general.—The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

(2) Promulgation.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

(3) Definition of per capita income.—For the purpose of this section, the term "per capita income" means, with respect to a fiscal year, the total personal income in the calendar year ending in such year,

divided by the population of the area concerned in such year.

(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

(d) DEFINITION OF STATE.—For the purpose of this section, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

SECTION 112. WITHIN STATE ALLOCATION.

(a) IN GENERAL.—From the amount allotted to each State under section 111 for a fiscal year, the State board (hereinafter referred to as the "eligible agency") shall make available—

(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

(2) not more than 10 percent to carry out State leadership activities described in section 124, of which—

(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

(B) not less than $60,000 and not more than $150,000 shall be available for services that prepare individuals for nontraditional training and employment; and

(3) an amount equal to not more than 5 percent, or $250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

(A) developing the State plan;

(B) reviewing the local plans;

(C) monitoring and evaluating program effectiveness;

(D) assuring compliance with all applicable Federal laws; and

(E) providing technical assistance.

(b) MATCHING REQUIREMENT.—Each eligible agency receiving funds made available under subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under subsection (a)(3).

(c) RESERVE.—

(1) IN GENERAL.—From amounts made available under subsection (a)(1) to carry out this subsection, an

eligible agency may award grants to eligible recipients for vocational and technical education activities described in section 135 in—

(A) rural areas;

(B) areas with high percentages of vocational and technical education students; and

(C) areas with high numbers of vocational and technical students; and

(D) communities negatively impacted by changes resulting from the amendments made by the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 to the within State allocation under section 231 of the Carl D. Perkins Vocational and Applied Technology Education Act (as such section 231 was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

(2) SPECIAL RULE.—Each eligible agency awarding a grant under this subsection shall use the grant funds to serve at least 2 of the categories described in subparagraphs (A) through (D) of paragraph (1).

SECTION 113. ACCOUNTABILITY.

(a) PURPOSE.—The purpose of this section is to establish a State performance accountability system, comprised of the activities described in this section, to assess the effectiveness of the State in achieving statewide progress in vocational and technical education, and to optimize the return of investment of Federal funds in vocational and technical education activities.

(b) STATE PERFORMANCE MEASURES.—

(1) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

(A) the core indicators of performance described in paragraph (2)(A);

(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and

(C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

(2) INDICATORS OF PERFORMANCE.—

(A) CORE INDICATORS OF PERFORMANCE.—Each eligible agency shall identify in the State plan core indicators of performance that include, at a minimum, measures of each of the following:

(i) Student attainment of challenging State established academic, and vocational and technical, skill proficiencies.

(ii) Student attainment of a secondary school diploma or its recognized equivalent, a proficiency credential in conjunction with a secondary school diploma, or a postsecondary degree or credential.

(iii) Placement in, retention in, and completion of, postsecondary education or advanced training, placement in military service, or placement or retention in employment.

(iv) Student participation in and completion of vocational and technical education programs that lead to nontraditional training and employment.

(B) Additional indicators of performance.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for vocational and technical education activities authorized under the title.

(C) Existing indicators.—If a State previously has developed State performance measures that meet the requirements of this section, the State may use such performance measures to measure the progress of vocational and technical education students.

(D) State role.—Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

(3) Levels of performance.—

(A) State adjusted levels of performance for core indicators of performance.—

(i) In general.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for vocational and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

(II) require the State to continually make progress toward improving the performance of vocational and technical education students.

(ii) Identification in the state plan.—Each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

(iii) Agreement on state adjusted levels of performance for first 2 years.—The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

(iv) ROLE OF THE SECRETARY.—The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR 3RD, 4TH AND 5TH YEARS.—Prior to the third program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the third, fourth and fifth program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi)(II), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (vi) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan, State levels of performance for each of the additional indicators of performance described in paragraph (2)(B). Such levels shall be considered to be the State levels of performance for purposes of this title.

(c) REPORT.—

(1) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

(2) SPECIAL POPULATIONS.—The report submitted by the eligible agency in accordance with paragraph (1) shall include a quantifiable description of the progress special populations participating in vocational and technical education programs have made in meeting the State adjusted levels of performance established by the eligible agency.

(3) INFORMATION DISSEMINATION.—The Secretary—

(A) shall make the information contained in such reports available to the general public;

(B) shall disseminate State-by-State comparisons of the information; and

(C) shall provide the appropriate committees of Congress copies of such reports.

SECTION 114. NATIONAL ACTIVITIES.

(a) PROGRAM PERFORMANCE INFORMATION.—

(1) IN GENERAL.—The Secretary shall collect performance information about, and report on, the condition of vocational and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of vocational and technical education. The Secretary annually shall report to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title, including an analysis of performance data regarding special populations.

(2) COMPATIBILITY.—The Secretary shall, to the extent feasible, ensure that the performance information system is compatible with other Federal information systems.

(3) ASSESSMENTS.—As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on vocational and technical education for a nationally representative sample of students. Such assessment may include international comparisons.

(b) MISCELLANEOUS PROVISIONS.—

(1) COLLECTION OF INFORMATION AT REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Vocational and Adult Education, and an entity assisted under section 118 shall determine the methodology to be used and the frequency with which information is to be collected.

(2) COOPERATION OF STATES.—All eligible agencies receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this Act.

(c) RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION AND ASSESSMENT.—

(1) SINGLE PLAN.—

(A) IN GENERAL.—The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the vocational and technical education programs under this Act. The Secretary shall develop a single plan for such activities.

(B) PLAN.—Such plan shall—

(i) identify the vocational and technical education activities described in subparagraph (A) the Secretary will carry out under this section;

(ii) describe how the Secretary will evaluate such vocational and technical education activities in accordance with paragraph (3); and

(iii) include such other information as the Secretary determines to be appropriate.

(2) INDEPENDENT ADVISORY PANEL.—The Secretary shall appoint an independent advisory panel, consisting of vocational and technical education administrators, educators, researchers, and representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other relevant groups, to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed, the methodology of the studies involved, and the findings and recommendations resulting from the assessment. The panel shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3). The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.

(3) EVALUATION AND ASSESSMENT.—

(A) IN GENERAL.—From amounts made available under paragraph (8), the Secretary shall provide for the conduct of an independent evaluation and assessment of vocational and technical education programs under this Act through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

(B) CONTENTS.—The assessment required under paragraph (1) shall include descriptions and evaluations of—

(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local vocational and technical education programs and the effect of programs assisted under this Act on that development, implementation, or improvement, including the capacity of State, tribal, and local vocational and technical education systems to achieve the purpose of this Act;

(ii) the extent to which expenditures at the Federal, State, tribal, and local levels address program improvement in vocational and technical education, including the impact of Federal allocation requirements (such as within-State allocation formulas) on the delivery of services;

(iii) the preparation and qualifications of teachers of vocational and technical, and academic, curricula in vocational and technical education programs, as well as shortages of such teachers;

(iv) participation of students in vocational and technical education programs;

(v) academic and employment outcomes of vocational and technical education, including analyses of—

(I) the number of vocational and technical education students and tech-prep students who meet State adjusted levels of performance;

(II) the extent and success of integration of academic, and vocational and technical, education for students participating in vocational and technical education programs; and

(III) the extent to which vocational and technical education programs prepare students for subsequent employment in high-wage, high-skill careers or participation in postsecondary education;

(vi) employer involvement in, and satisfaction with, vocational and technical education programs;

(vii) the use and impact of educational technology and distance learning with respect to vocational and technical education and tech-prep programs; and

(viii) the effect of State adjusted levels of performance and State levels of performance on the delivery of vocational and technical education services.

(C) Reports.—

(i) In general.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

(I) an interim report regarding the assessment on or before January 1, 2002; and

(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the assessment, on or before July 1, 2002.

(ii) Prohibition.—Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (2) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, or the panel determine to be appropriate.

(4) Collection of state information and report.—

(A) In general.—The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 113.

(B) Report.—The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(5) Research.—

(A) In general.—The Secretary, after consulting with the States, shall award grants, contracts, or cooperative agreements on a competitive basis to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers—

(i) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of participants in vocational and technical education programs, including research and evaluation in such activities as—

(I) the integration of vocational and technical instruction, and academic, secondary and postsecondary instruction;

(II) education technology and distance learning approaches and strategies that are effective with respect to vocational and technical education;

(III) State adjusted levels of performance and State levels of performance that serve to improve vocational and technical education programs and student achievement; and

(IV) academic knowledge and vocational and technical skills required for employment or participation in postsecondary education;

(ii) to carry out research to increase the effectiveness and improve the implementation of vocational and technical education programs, including conducting research and development, and studies, providing longitudinal information or formative evaluation with respect to vocational and technical education programs and student achievement;

(iii) to carry out research that can be used to improve teacher training and learning in the vocational and technical education classroom, including—

(I) effective inservice and preservice teacher education that assists vocational and technical education systems; and

(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on vocational and technical skills, State academic standards, and related materials; and

(iv) to carry out such other research as the Secretary determines appropriate to assist State and local recipients of funds under this Act.

(B) REPORT.—The center or centers conducting the activities described in subparagraph (A) shall annually prepare a report of key research findings of such center or centers and shall submit copies of the report to the Secretary, the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, the Library of Congress, and each eligible agency.

(C) DISSEMINATION.—The center or centers shall conduct dissemination and training activities based upon the research described in subparagraph (A).

(6) Demonstrations and dissemination.—

(A) DEMONSTRATION PROGRAM.—The Secretary is authorized to carry out demonstration vocational and technical education programs, to replicate model vocational and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a

State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing vocational and technical education programs assisted under this Act.

(B) DEMONSTRATION PARTNERSHIP.—

(i) IN GENERAL.—The Secretary shall carry out a demonstration partnership project involving a 4-year, accredited postsecondary institution, in cooperation with local public education organizations, volunteer groups, and private sector business participants to provide program support, and facilities for education, training, tutoring, counseling, employment preparation, specific skills training in emerging and established professions, and for retraining of military medical personnel, individuals displaced by corporate or military restructuring, migrant workers, as well as other individuals who otherwise do not have access to such services, through multisite, multistate distance learning technologies.

(ii) PROGRAM.—Such program may be carried out directly or through grants, contracts, cooperative agreements, or through the national center or centers established under paragraph (5).

(7) DEFINITION.—In this section, the term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965.

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

SECTION 115. ASSISTANCE FOR THE OUTLYING AREAS.

(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

(1) make a grant in the amount of $500,000 to Guam; and

(2) make a grant in the amount of $190,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REMAINDER.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for vocational and technical education and training in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, for the purpose of providing direct vocational and technical educational services, including—

(1) teacher and counselor training and retraining;

(2) curriculum development; and

(3) the improvement of vocational and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

(c) Limitation.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b) for administrative costs.

(d) Restriction.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this title for any fiscal year that begins after September 30, 2001.

SECTION 116. NATIVE AMERICAN PROGRAM.

(a) Definitions.—In this section:

(1) Alaska native.—The term "Alaska Native" means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) Bureau funded school.—The term "Bureau funded school" has the meaning given the term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

(3) Indian, Indian tribe, and tribal organization.—The terms "Indian," "Indian tribe," and "tribal organization" have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) Native Hawaiian.—The term "Native Hawaiian" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(5) Native Hawaiian organization.—The term "Native Hawaiian organization" has the meaning given the term in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

(b) Program Authorized.—

(1) Authority.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall make grants to and enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (d), except that such grants or contracts shall not be awarded to secondary school programs in Bureau funded schools.

(2) Indian tribes and tribal organizations.—The grants or contracts described in this section (other than in subsection (i)) that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are rele-

vant to the programs administered under this subsection.

(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out vocational and technical education programs.

(4) MATCHING.—If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on vocational and technical education programs, services, and technical activities administered either directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

(5) REGULATIONS.—If the Secretary promulgates any regulations applicable to subsection (b)(2), the Secretary shall—

(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

(B) promulgate the regulations under subchapter III of chapter 5 of title 5, United States Code, commonly known as the "Negotiated Rulemaking Act of 1990."

(6) APPLICATION.—Any Indian tribe, tribal organization, or Bureau funded school eligible to receive assistance under subsection (b) may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau funded school.

(c) AUTHORIZED ACTIVITIES.—

(1) AUTHORIZED PROGRAMS.—Funds made available under this section shall be used to carry out vocational and technical education programs consistent with the purpose of this Act.

(2) STIPENDS.—

(A) In General.—Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in vocational and technical education programs and who have acute economic needs which cannot be met through work-study programs.

(B) Amount.—Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

(d) Grant or Contract Application.—In order to receive a grant or contract under this section an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

(e) Restrictions and Special Considerations.—The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this paragraph, shall ensure that the grants and contracts will improve vocational and technical education programs, and shall give special consideration to—

(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

(2) applications from tribally controlled colleges or universities that—

(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational and technical education; or

(B) operate vocational and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational and technical education programs.

(f) Consolidation of Funds.—Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C 3401 et seq.).

(g) Nonduplicative and Nonexclusive Services.—Nothing in this section shall be construed—

(1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this title; or

(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

(h) Native Hawaiian Programs.—From the funds reserved pursuant to section 111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

SECTION 117. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS.

(a) Grants Authorized.—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary vocational and technical institutions to provide basic support for the education and training of Indian students.

(b) Use of Grants.—Amounts made available pursuant to this section shall be used for vocational and technical education programs.

(c) Amount of Grants.—

(1) In general.—If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant who received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

(2) Per capita determination.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vocational and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

(d) Applications.—Any tribally controlled postsecondary vocational and technical institution that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

(e) Expenses.—

(1) In general.—The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary vocational and technical institution having an appli-

cation approved by the Secretary, an amount necessary to pay expenses associated with—

(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with disabilities and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;

(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section; and

(C) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment.

(2) Accounting.—Each institution receiving a grant under this section shall provide annually to the Secretary an accurate and detailed accounting of the institution's operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

(f) Other Programs.—

(1) In general.—Except as specifically provided in this Act, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary vocational and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965, or any other applicable program for the benefit of institutions of higher education or vocational and technical education.

(2) Prohibition on alteration of grant amount.—The amount of any grant for which tribally controlled postsecondary vocational and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (commonly known as the "Snyder Act") (42 Stat. 208, chapter 115; 25 U.S.C. 13).

(3) Prohibition on contract denial.—No tribally controlled postsecondary vocational and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

(g) Needs Estimate and Report on Facilities and Facilities Improvement.—

(1) Needs estimate.—The Secretary shall, based on the most accurate data available from the institu-

tions and Indian tribes whose Indian students are served under this section, and in consideration of employment needs, economic development needs, population training needs, and facilities needs, prepare an actual budget needs estimate for each institution eligible under this section for each subsequent program year, and submit such budget needs estimate to Congress in such a timely manner as will enable the appropriate committees of Congress to consider such needs data for purposes of the uninterrupted flow of adequate appropriations to such institutions. Such data shall take into account the purposes and requirements of part A of title IV of the Social Security Act.

(2) STUDY OF TRAINING AND HOUSING NEEDS.—

(A) IN GENERAL.—The Secretary shall conduct a detailed study of the training, housing, and immediate facilities needs of each institution eligible under this section. The study shall include an examination of—

(i) training equipment needs;

(ii) housing needs of families whose heads of households are students and whose dependents have no alternate source of support while such heads of households are students; and

(iii) immediate facilities needs.

(B) REPORT.—The Secretary shall report to Congress not later than July 1, 2000, on the results of the study required by subparagraph (A).

(C) CONTENTS.—The report required by subparagraph (B) shall include the number, type, and cost of meeting the needs described in subparagraph (A), and rank each institution by relative need.

(D) PRIORITY.—In conducting the study required by subparagraph (A), the Secretary shall give priority to institutions that are receiving assistance under this section.

(3) LONG-TERM STUDY OF FACILITIES.—

(A) IN GENERAL.—The Secretary shall provide for the conduct of a long-term study of the facilities of each institution eligible for assistance under this section.

(B) CONTENTS.—The study required by subparagraph (A) shall include a 5-year projection of training facilities, equipment, and housing needs and shall consider such factors as projected service population, employment, and economic development forecasting, based on the most current and accurate data available from the institutions and Indian tribes affected.

(C) SUBMISSION.—The Secretary shall submit to Congress a detailed report on the results of such study not later than the end of the 18-month period beginning on the date of enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) INDIAN.—The terms "Indian" and "Indian tribe" have the meanings given the terms in section 2 of the Tribally Controlled College or University Assistance Act of 1978.

(2) INDIAN STUDENT COUNT.—The term "Indian student count" means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary vocational and technical institution, determined as follows:

(A) REGISTRATIONS.—The registrations of Indian students as in effect on October 1 of each year.

(B) SUMMER TERM.—Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

(C) ADMISSION CRITERIA.—Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student"s aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of obtaining a secondary school degree or its recognized equivalent shall be counted toward the computation of the Indian student count.

(D) DETERMINATION OF HOURS.—Indian students earning credits in any continuing education program of a tribally controlled postsecondary vocational and technical institution shall be included in determining the sum of all credit or clock hours.

(E) CONTINUING EDUCATION.—Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the institution's system for providing credit for participation in such programs.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

SECTION 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

(a) NATIONAL ACTIVITIES.—From funds appropriated under subsection (f), the Secretary, in consultation with appropriate Federal agencies, is authorized—

(1) to provide assistance to an entity to enable the entity—

(A) to provide technical assistance to State entities designated under subsection (b) to enable the State entities to carry out the activities described in subsection (b);

(B) to disseminate information that promotes the replication of high quality practices described in subsection (b);

(C) to develop and disseminate products and services related to the activities described in subsection (b); and

(2) to award grants to States that designate State entities in accordance with subsection (b) to enable the State entities to carry out the State level activities described in subsection (b).

(b) STATE LEVEL ACTIVITIES.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

(1) to provide support for a career guidance and academic counseling program designed to promote improved career and education decisionmaking by individuals (especially in areas of career information delivery and use);

(2) to make available to students, parents, teachers, administrators, and counselors, and to improve accessibility with respect to, information and planning resources that relate educational preparation to career goals and expectations;

(3) to equip teachers, administrators, and counselors with the knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and education financing.

(4) to assist appropriate State entities in tailoring career-related educational resources and training for use by such entities;

(5) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.

(c) NONDUPLICATION.—

(1) WAGNER-PEYSER ACT.—The State entity designated under subsection (b) may use funds provided under subsection (b) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under such section.

(2) PUBLIC LAW 105-220.—None of the functions and activities assisted under this section shall duplicate

the functions and activities carried out under Public Law 105-220.

(d) FUNDING RULE.—Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

(1) not less than 85 percent to carry out subsection (b); and

(2) not more than 15 percent to carry out subsection (a).

(e) REPORT.—The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

(1) an identification of activities assisted under this section during the prior program year;

(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

PART B—STATE PROVISIONS

SECTION 121. STATE ADMINISTRATION.

(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

(1) IN GENERAL.—The responsibilities of an eligible agency under this title shall include—

(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for nontraditional training and employment;

(B) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

(C) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than 4 times annually; and

(D) the adoption of such procedures as the eligible agency considers necessary to—

(i) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105-220; and

(ii) make available to the service delivery system under section 121 of Public Law 105-220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

(2) EXCEPTION.—Except with respect to the responsibilities set forth in paragraph (1), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to 1 or more appropriate State agencies.

SECTION 122. STATE PLAN.

(a) STATE PLAN.—

(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 5-year period, together with such annual revisions as the eligible agency determines to be necessary.

(2) REVISIONS.—Each eligible agency—

(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

(B) shall, after the second year of the 5 year State plan, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

(3) HEARING PROCESS.—The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including employers, labor organizations, and parents), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with teachers, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, and representatives of labor organizations in the State, and shall

consult the Governor of the State with respect to such development.

(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

(c) PLAN CONTENTS.—The State plan shall include information that—

(1) describes the vocational and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

(A) the secondary and postsecondary vocational and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality, state-of-the- art technology in vocational and technical education programs;

(B) the criteria that will be used by the eligible agency in approving applications by eligible recipients for funds under this title;

(C) how such programs will prepare vocational and technical education students for opportunities in postsecondary education or entry into high skill, high wage jobs in current and emerging occupations; and

(D) how funds will be used to improve or develop new vocational and technical education courses;

(2) describes how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided;

(3) describes how the eligible agency will actively involve parents, teachers, local businesses (including small- and medium-sized businesses), and labor organizations in the planning, development, implementation, and evaluation of such vocational and technical education programs;

(4) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

(A) among secondary school vocational and technical education, or postsecondary and adult vocational and technical education, or both, including the rationale for such allocation; and

(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

(5) describes how the eligible agency will—

(A) improve the academic and technical skills of students participating in vocational and technical education programs, including strengthening the academic, and vocational and technical, components of vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects, and provide students with strong experience in, and understanding of, all aspects of an industry; and

(B) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

(6) describes how the eligible agency will annually evaluate the effectiveness of such vocational and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other existing Federal programs;

(7) describes the eligible agency's program strategies for special populations;

(8) describes how individuals who are members of the special populations—

(A) will be provided with equal access to activities assisted under this title;

(B) will not be discriminated against on the basis of their status as members of the special populations; and

(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage careers;

(9) describe what steps the eligible agency shall take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

(10) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

(11) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

(12) describes how the eligible agency will report data relating to students participating in vocational and technical education in order to adequately measure the progress of the students, including special populations;

(13) describes how the eligible agency will adequately address the needs of students in alternative

education programs, if appropriate;

(14) describes how the eligible agency will provide local educational agencies, area vocational and technical education schools, and eligible institutions in the State with technical assistance;

(15) describes how vocational and technical education relates to State and regional occupational opportunities;

(16) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

(17) describes how funds will be used to promote preparation for nontraditional training and employment;

(18) describes how funds will be used to serve individuals in State correctional institutions;

(19) describes how funds will be used effectively to link secondary and postsecondary education;

(20) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

(21) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts.

(d) PLAN OPTION.—The eligible agency may fulfill the requirements of subsection (a) by submitting a plan under section 501 of Public Law 105-220.

(e) PLAN APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

(A) the State plan, or revision, respectively, does not meet the requirements of this section; or

(B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

(2) DISAPPROVAL.—The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult vocational and technical education, postsecondary vocational and technical education, tech-prep education, and secondary vocational and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing

postsecondary vocational and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

(4) Timeframe.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

(f) Transition.—This section shall be subject to section 4 for fiscal year 1999 only, with respect to activities under this section.

SECTION 123. IMPROVEMENT PLANS.

(a) State Program Improvement Plan.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under subsection (d).

(b) Local Evaluation.—Each eligible agency shall evaluate annually, using the State adjusted levels of performance, the vocational and technical education activities of each eligible recipient receiving funds under this title.

(c) Local Improvement Plan.—

(1) In general.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the State adjusted levels of performance, the eligible agency shall—

(A) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

(B) enter into an improvement plan based on the results of the assessment, which plan shall include instructional and other programmatic innovations of demonstrated effectiveness, and where necessary, strategies for appropriate staffing and staff development; and

(C) conduct regular evaluations of the progress being made toward reaching the State adjusted levels of performance.

(2) Consultation.—The eligible agency shall conduct the activities described in paragraph (1) in consul-

tation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

(d) Sanctions.—

(1) Technical assistance.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

(2) Failure.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title. The Secretary may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(3) Funds resulting from reduced allotments.—

(A) In general.—The Secretary shall use funds withheld under paragraph (2), for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purpose of this Act.

(B) Redistribution.—If the Secretary cannot satisfactorily use funds withheld under paragraph (2), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (2) shall be redistributed to other eligible agencies in accordance with section 111.

SECTION 124. STATE LEADERSHIP ACTIVITIES.

(a) General Authority.—From amounts reserved under section 112(a)(2), each eligible agency shall conduct State leadership activities.

(b) Required Uses of Funds.—The State leadership activities described in subsection (a) shall include—

(1) an assessment of the vocational and technical education programs carried out with funds under this title that includes an assessment of how the needs of special populations are being met and how such programs are designed to enable special populations to meet State adjusted levels of performance

and prepare the special populations for further learning or for high skill, high wage careers;

(2) developing, improving, or expanding the use of technology in vocational and technical education that may include—

(A) training of vocational and technical education personnel to use state-of-the-art technology, that may include distance learning;

(B) providing vocational and technical education students with the academic, and vocational and technical, skills that lead to entry into the high technology and telecommunications field; or

(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel, that—

(A) will provide inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, effective teaching skills based on research, and effective practices to improve parental and community involvement; and

(B) will help teachers and personnel to assist students in meeting the State adjusted levels of performance established under section 113;

(C) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that such teachers stay current with the needs, expectations, and methods of industry; and

(D) is integrated with the professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6001 et seq.) and title II of the Higher Education Act of 1965;

(4) support for vocational and technical education programs that improve the academic, and vocational and technical, skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects;

(5) providing preparation for nontraditional training and employment;

(6) supporting partnerships among local educational agencies, institutions of higher education, adult

education providers, and, as appropriate, other entities, such as employers, labor organizations, parents, and local partnerships, to enable students to achieve State academic standards, and vocational and technical skills;

(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

(8) support for programs for special populations that lead to high skill, high wage careers.

(c) Permissible Uses of Funds.—The leadership activities described in subsection (a) may include—

(1) technical assistance for eligible recipients;

(2) improvement of career guidance and academic counseling programs that assist students in making informed academic, and vocational and technical education, decisions;

(3) establishment of agreements between secondary and postsecondary vocational and technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational and technical education programs, such as tech-prep programs;

(4) support for cooperative education;

(5) support for vocational and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

(6) support for public charter schools operating secondary vocational and technical education programs;

(7) support for vocational and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

(8) support for family and consumer sciences programs;

(9) support for education and business partnerships;

(10) support to improve or develop new vocational and technical education courses;

(11) providing vocational and technical education programs for adults and school dropouts to complete their secondary school education; and

(12) providing assistance to students, who have participated in services and activities under this title, in finding an appropriate job and continuing their education.

(d) Restriction on Uses of Funds.—An eligible agency that receives funds under section 112(a)(2) may not use any of such funds for administrative costs.

PART C—LOCAL PROVISIONS

SECTION 131. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

(a) Distribution for Fiscal Year 1999.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for fiscal year 1999 to local educational agencies within the State as follows:

(1) Seventy percent.—From 70 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the preceding fiscal year bears to the total amount received under such section by all local educational agencies in the State for such preceding fiscal year.

(2) Twenty percent.—From 20 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with disabilities who have individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) served by such local educational agency for the preceding fiscal year bears to the total number of such students served by all local educational agencies in the State for such preceding fiscal year.

(3) Ten percent.—From 10 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State for such preceding fiscal year.

(b) Special Distribution Rules for Succeeding Fiscal Years.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section for fiscal year 2000 and succeeding fiscal years to local educational agencies within the State as follows:

(1) 30 percent.—30 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year.

(2) 70 PERCENT.—70 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (b) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) to local educational agencies within the State than the formula described in subsection (b); and

(2) includes a proposal for such an alternative formula.

(d) MINIMUM ALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than $15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

(2) WAIVER.—The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

(A)(i) is located in a rural, sparsely populated area, or

(ii) is a public charter school operating secondary vocational and technical education programs; and

(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

(3) REDISTRIBUTION.—Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

(e) LIMITED JURISDICTION AGENCIES.—

(1) IN GENERAL.—In applying the provisions of subsection (a), no eligible agency receiving assistance

under this title shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

(2) Special rule.—The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

(f) Allocations to Area Vocational and Technical Education Schools and Educational Service Agencies.—

(1) In general.—Each eligible agency shall distribute the portion of funds made available under section 112(a)(1) for any fiscal year by such eligible agency for secondary school vocational and technical education activities under this section to the appropriate area vocational and technical education school or educational service agency in any case in which the area vocational and technical education school or educational service agency, and the local educational agency concerned—

(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

(B) have entered into or will enter into a cooperative arrangement for such purpose.

(2) Allocation basis.—If an area vocational and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area vocational and technical education school, the educational service agency, and the local educational agency based on each school, agency or entity's relative share of students who are attending vocational and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years;

(3) Appeals procedure.—The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

(g) Consortium Requirements.—

(1) Alliance.—Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 135 is encouraged to—

(A) form a consortium or enter into a cooperative agreement with an area vocational and technical education school or educational service agency offering programs that meet the requirements of section 135; and

(B) transfer such allocation to the area vocational and technical education school or educational service agency; and

(C) operate programs that are of sufficient size, scope, and quality to be effective.

(2) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this paragraph shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

(h) DATA.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for vocational and technical education programs under subsections (a), (b), (c), and (d) and how these allocations are distributed to local educational agencies, area vocational and technical education schools, and educational service agencies, within the State in accordance with this section.

(i) SPECIAL RULE.—Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

SECTION 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

(a) ALLOCATION.—

(1) IN GENERAL.—Except as provided in subsections (b) and (c) and section 133, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 112(a)(1) to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 135 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

(3) CONSORTIUM REQUIREMENTS.—

(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

(i) provide services to all postsecondary institutions participating in the consortium; and

(ii) are of sufficient size, scope, and quality to be effective.

(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

(4) WAIVER.—The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) if an eligible agency submits to the Secretary an application for such a waiver that—

(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

(2) includes a proposal for such an alternative formula.

(c) MINIMUM GRANT AMOUNT.—

(1) IN GENERAL.—No institution or consortium shall receive an allocation under this section in an amount that is less than $50,000.

(2) REDISTRIBUTION.—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

SECTION 133. SPECIAL RULES FOR VOCATIONAL AND TECHNICAL EDUCATION.

(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

(1) GENERAL AUTHORITY.—Notwithstanding the provisions of sections 131 and 132 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 131 or 132, such State may distribute such minimal amount for such year—

(A) on a competitive basis; or

(B) through any alternative method determined by the State.

(2) MINIMAL AMOUNT.—For purposes of this section, the term "minimal amount" means not more than 15 percent of the total amount made available for distribution under section 112(a)(1).

(b) REDISTRIBUTION.—

(1) IN GENERAL.—In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under section 131 or 132, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 131 or 132, as appropriate.

(2) REDISTRIBUTION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.—In any academic year in which amounts are returned to the eligible agency under section 131 or 132 and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 112(a)(1) for the following academic year.

(c) CONSTRUCTION.—Nothing in section 131 or 132 shall be construed—

(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out secondary school vocational and technical education programs in accordance with this title;

(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult vocational and technical education programs in accordance with this title; or

(3) to require a charter school, that provides vocational and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute.

(d) CONSISTENT APPLICATION.—For purposes of this section, the eligible agency shall provide funds to charter schools offering vocational and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such vocational and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

SECTION 134. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

(a) LOCAL PLAN REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

(b) CONTENTS.—The eligible agency shall determine requirements for local plans, except that each local plan shall—

(1) describe how the vocational and technical education programs required under section 135(b) will be carried out with funds received under this title;

(2) describe how the vocational and technical education activities will be carried out with respect to meeting State adjusted levels of performance established under section 113;

(3) describe how the eligible recipient will—

(A) improve the academic and technical skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical, subjects;

(B) provide students with strong experience in and understanding of all aspects of an industry; and

(C) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

(4) describe how parents, students, teachers, representatives of business and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of vocational and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title;

(5) provide assurances that the eligible recipient will provide a vocational and technical education program that is of such size, scope, and quality to bring about improvement in the quality of vocational and technical education programs;

(6) describe the process that will be used to independently evaluate and continuously improve the

performance of the eligible recipient;

(7) describe how the eligible recipient—

(A) will review vocational and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

(B) will provide programs that are designed to enable the special populations to meet the State adjusted levels of performance;

(8) describe how individuals who are members of the special populations will not be discriminated against on the basis of their status as members of the special populations;

(9) describe how funds will be used to promote preparation for nontraditional training and employment; and

(10) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided.

SECTION 135. LOCAL USES OF FUNDS.

(a) General Authority.—Each eligible recipient that receives funds under this part shall use such funds to improve vocational and technical education programs.

(b) Requirements for Uses of Funds.—Funds made available to eligible recipients under this part shall be used to support vocational and technical education programs that—

(1) strengthen the academic, and vocational and technical, skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical, subjects;

(2) provide students with strong experience in and understanding of all aspects of an industry;

(3) develop, improve, or expand the use of technology in vocational and technical education, which may include—

(A) training of vocational and technical education personnel to use state-of-the-art technology, which may include distance learning;

(B) providing vocational and technical education students with the academic, and vocational and technical, skills that lead to entry into the high technology and telecommunications field; or

(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

(4) provide professional development programs to teachers, counselors, and administrators, including—

(A) inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, in effective teaching skills based on research, and in effective practices to improve parental and community involvement;

(B) support of education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

(C) internship programs that provide business experience to teachers; and

(D) programs designed to train teachers specifically in the use and application of technology;

(5) develop and implement evaluations of the vocational and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

(6) initiate, improve, expand, and modernize quality vocational and technical education programs;

(7) provide services and activities that are of sufficient size, scope, and quality to be effective; and

(8) link secondary vocational and technical education and postsecondary vocational and technical education, including implementing tech-prep programs.

(c) PERMISSIVE.—Funds made available to an eligible recipient under this title may be used—

(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of vocational and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;

(2) to provide career guidance and academic counseling for students participating in vocational and technical education programs;

(3) to provide work-related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational and technical education programs;

(4) to provide programs for special populations;

(5) for local education and business partnerships;

(6) to assist vocational and technical student organizations;

(7) for mentoring and support services;

(8) for leasing, purchasing, upgrading or adapting equipment, including instructional aides;

(9) for teacher preparation programs that assist individuals who are interested in becoming vocational and technical education instructors, including individuals with experience in business and industry;

(10) for improving or developing new vocational and technical education courses;

(11) to provide support for family and consumer sciences programs;

(12) to provide vocational and technical education programs for adults and school dropouts to complete their secondary school education;

(13) to provide assistance to students who have participated in services and activities under this title in finding an appropriate job and continuing their education;

(14) to support nontraditional training and employment activities; and

(15) to support other vocational and technical education activities that are consistent with the purpose of this Act.

(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

TITLE II—TECH-PREP EDUCATION

SECTION 201. SHORT TITLE.

This title may be cited as the "Tech-Prep Education Act."

SECTION 202. DEFINITIONS.

(a) In this title:

(1) ARTICULATION AGREEMENT.—The term "articulation agreement" means a written commitment to a program designed to provide students with a non duplicative sequence of progressive achievement leading to degrees or certificates in a tech-prep education program.

(2) COMMUNITY COLLEGE.—The term "community college"—

(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a bachelor's degree; and

(B) includes tribally controlled colleges or universities.

(3) TECH-PREP PROGRAM.—The term "tech-prep program" means a program of study that—

(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

(B) integrates academic, and vocational and technical, instruction, and utilizes work-based and worksite learning where appropriate and available;

(C) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

(D) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics, and integrated instruction, in a coherent sequence of courses;

(E) leads to an associate or a baccalaureate degree or a postsecondary certificate in a specific career field; and

(F) leads to placement in appropriate employment or to further education.

SECTION 203. STATE ALLOTMENT AND APPLICATION.

(a) IN GENERAL.—For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).

(b) PAYMENTS TO ELIGIBLE AGENCIES.—The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

(c) STATE APPLICATION.—Each eligible agency desiring assistance under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

SECTION 204. TECH-PREP EDUCATION.

(a) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to each eligible agency under section 203, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech-prep education programs described in subsection (c). The grants shall be awarded to consortia between or among—

(A) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

(B)(i) a nonprofit institution of higher education that offers—

(I) a 2-year associate degree program, or a 2-year certificate program, and is qualified as institutions of higher education pursuant to section 102 of the Higher Education Act of 1965, including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

(II) a 2-year apprenticeship program that follows secondary instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1083(a)); or

(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

(2) Special rule.—In addition, a consortium described in paragraph (1) may include 1 or more—

(A) institutions of higher education that award a baccalaureate degree; and

(B) employer or labor organizations.

(b) Duration.—Each grant recipient shall use amounts provided under the grant to develop and operate a 4- or 6-year tech-prep education program described in subsection (c).

(c) Contents of Tech-Prep Program.—Each tech-prep program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of at least 2 years of secondary school preceding graduation and 2 years or more of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or a postsecondary certificate in a specific career field;

(3) include the development of tech-prep programs for both secondary and postsecondary, including consortium, participants in the consortium that—

(A) meets academic standards developed by the State;

(B) links secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep secondary students to enroll concurrently in secondary and postsecondary coursework;

(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

(D) uses educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

(4) include in-service training for teachers that—

(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

(B) provides for joint training for teachers in the tech-prep consortium;

(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry;

(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

(E) provides training in the use and application of technology;

(5) include training programs for counselors designed to enable counselors to more effectively—

(A) provide information to students regarding tech-prep education programs;

(B) support student progress in completing tech-prep programs;

(C) provide information on related employment opportunities;

(D) ensure that such students are placed in appropriate employment; and

(E) stay current with the needs, expectations, and methods of business and all aspects of an industry;

(6) provide equal access, to the full range of technical preparation programs, to individuals who are members of special populations, including the development of tech-prep program services appropriate to the needs of special populations; and

(7) provide for preparatory services that assist participants in tech-prep programs.

(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each tech-prep program may—

(1) provide for the acquisition of tech-prep program equipment;

(2) acquire technical assistance from State or local entities that have designed, established, and operated tech-prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services and in the articulation process; and

(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs.

SECTION 205. CONSORTIUM APPLICATIONS.

(a) IN GENERAL.—Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall prescribe.

(b) PLAN.—Each application submitted under this section shall contain a 5-year plan for the development and implementation of tech-prep programs under this title, which plan shall be reviewed after the second year of the plan.

(c) APPROVAL.—The eligible agency shall approve applications based on the potential of the activities described in the application to create an effective tech-prep program.

(d) SPECIAL CONSIDERATION.—The eligible agency, as appropriate, shall give special consideration to applications that—

(1) provide for effective employment placement activities or the transfer of students to baccalaureate degree programs;

(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

(3) address effectively the issues of school dropout prevention and reentry and the needs of special populations;

(4) provide education and training in areas or skills in which there are significant workforce shortages, including the information technology industry; and

(5) demonstrate how tech-prep programs will help students meet high academic and employability competencies.

(e) Equitable Distribution of Assistance.—In awarding grants under this title, the eligible agency shall ensure an equitable distribution of assistance between urban and rural consortium participants.

SECTION 206. REPORT.

Each eligible agency that receives a grant under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech-prep programs assisted under this title, including a description of how grants were awarded within the State.

SECTION 207. DEMONSTRATION PROGRAM.

(a) Demonstration Program Authorized.—From funds appropriated under subsection (e) for a fiscal year, the Secretary shall award grants to consortia described in section 204(a) to enable the consortia to carry out tech-prep education programs.

(b) Program Contents.—Each tech-prep program referred to in subsection (a)—

(1) shall—

(A) involve the location of a secondary school on the site of a community college;

(B) involve a business as a member of the consortium; and

(C) require the voluntary participation of secondary school students in the tech-prep education program; and

(2) may provide summer internships at a business for students or teachers.

(c) Application.—Each consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

(d) Applicability.—The provisions of sections 203, 204, 205, and 206 shall not apply to this section, except that—

(1) the provisions of section 204(a) shall apply for purposes of describing consortia eligible to receive assistance under this section;

(2) each tech-prep education program assisted under this section shall meet the requirements of paragraphs (1), (2), (3)(A), (3)(B), (3)(C), (3)(D), (4), (5), (6), and (7) of section 204(c), except that such paragraph (3)(B) shall be applied by striking ", and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields"; and

(3) in awarding grants under this section, the Secretary shall give special consideration to consortia submitting applications under subsection (c) that meet the requirements of paragraphs (1), (3), (4), and (5) of section 205(d), except that such paragraph (1) shall be applied by striking "or the transfer of students to baccalaureate degree programs."

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

SECTION 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title (other than section 207) such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

TITLE III—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

SECTION 311. FISCAL REQUIREMENTS.

(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this Act for vocational and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out vocational and technical education activities and tech-prep activities.

(b) MAINTENANCE OF EFFORT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for vocational and technical education programs or tech-prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational and technical education programs, for the second fiscal year preceding the fiscal year for which the determination is made.

(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for vocational and technical education programs under this Act for a fiscal year is less than the amount made available for vocational and technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (B) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(2) WAIVER.—The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years

subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

SECTION 312. AUTHORITY TO MAKE PAYMENTS.

Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

SECTION 313. CONSTRUCTION.

Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this Act.

SECTION 314. VOLUNTARY SELECTION AND PARTICIPATION.

No funds made available under this Act shall be used—

(1) to require any secondary school student to choose or pursue a specific career path or major; and

(2) to mandate that any individual participate in a vocational and technical education program, including a vocational and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

SECTION 315. LIMITATION FOR CERTAIN STUDENTS.

No funds received under this Act may be used to provide vocational and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

SECTION 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

SECTION 317. AUTHORIZATION OF SECRETARY.

For the purposes of increasing and expanding the use of technology in vocational and technical education instruction, including the training of vocational and technical education personnel as provided in this Act, the Secretary is authorized to receive and use funds collected by the Federal Government from fees for the use of property, rights-of-way, and easements under the control of Federal departments and agencies for the placement of telecommunications services that are dependent, in whole or in part, upon the utilization of general spectrum rights for the transmission or reception of such services.

SECTION 318. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

An eligible agency or eligible recipient that uses funds under this Act for inservice and preservice vocational and technical education professional development programs for vocational and technical education teachers, administrators, and other personnel may, upon request, permit the participation in such programs of vocational and technical education teachers, administrators, and other personnel in nonprofit private schools offering vocational and technical education programs located in the geographical area served by such agency or recipient.

PART B—STATE ADMINISTRATIVE PROVISIONS

SECTION 321. JOINT FUNDING.

(a) General Authority.—Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if—

(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

(2) such program serves the same individuals that are served under this Act;

(3) such program provides services in a coordinated manner with services provided under this Act; and

(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

(b) Applicable Program.—For the purposes of this section, the term "applicable program" means any program under any of the following provisions of law:

(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105-220.

(2) The Wagner-Peyser Act.

(c) Use of Funds as Matching Funds.—For the purposes of this section, the term "additional funds" does not include funds used as matching funds.

SECTION 322. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

SECTION 323. STATE ADMINISTRATIVE COSTS.

(a) General Rule.—Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this Act, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this Act an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

(b) Exception.—If the amount made available for administration of programs under this Act for a fiscal year is less than the amount made available for administration of programs under this Act for the preceding fiscal year, the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for administration of programs under this Act shall be the same percentage as the amount made available for administration of programs under this Act.

SECTION 324. LIMITATION ON FEDERAL REGULATIONS.

The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

SECTION 325. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

(a) Attendance Costs Not Treated as Income or Resources.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

(b) Attendance Costs.—The attendance costs described in this subsection are—

(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and

(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

(c) COSTS OF VOCATIÓNAL AND TECHNICAL EDUCATION SERVICES.—Funds made available under this Act may be used to pay for the costs of vocational and technical education services required in an individualized education plan developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational and technical education.

SECTION 2. PROMOTING SCHOLAR-ATHLETE COMPETITIONS

Section 10104 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8004) is amended—

(1) in subsection (a), by striking "to be held in 1995" and inserting "to be held in 1999"; and

(2) in subsection (b)—

(A) in paragraph (4), by striking "in the summer of 1995" and inserting "in the summer of 1999";

(B) in paragraph (5), by striking "in 1996 and thereafter, as well as replicate such program"; and

(C) in paragraph (6), by striking "1995" and inserting "1999."

SECTION 3. REFERENCES TO CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

(a) IMMIGRATION AND NATIONALITY ACT.—SECTION 245A(h)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(C)) is amended by striking "Vocational Education Act of 1963" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998."

(b) NATIONAL DEFENSE AUTHORIZATION ACT.—SECTION 4461 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) Elementary and Secondary Education Act of 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1114(b)(2)(C)(v) (20 U.S.C. 6314(b)(2)(C)(v)), by striking "Carl D. Perkins Vocational and Applied Technical Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998";

(2) in section 9115(b)(5) (20 U.S.C. 7815(b)(5)), by striking "Carl D. Perkins Vocational and Technical Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998";

(3) in section 14302(a)(2) (20 U.S.C. 8852(a)(2))—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively; and

(4) in the matter preceding subparagraph (A) of section 14307(a)(1) (20 U.S.C. 8857(a)(1)), by striking "Carl D. Perkins Vocational and Applied Technology Technical Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998."

(d) Equity in Educational Land-Grant Status Act of 1994.—Section 533(c)(4)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking "(20 U.S.C. 2397h(3)" and inserting ", as such section was in effect on the day preceding the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998."

(e) Improving America's Schools Act of 1994.—Section 563 of the Improving America's Schools Act of 1994 (20 U.S.C. 6301 note) is amended by striking "the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Technical Education Act (20 U.S.C. 2301 et seq.)" and inserting "July 1, 1999."

(f) Workforce Investment Act of 1998.—Section 101(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(3)) is amended by striking "section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471)" and inserting "section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998."

(g) Appalachian Regional Development Act of 1965.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended by striking "Carl D. Perkins Vocational Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998."

(h) Vocational Education Amendments of 1968.—Section 104 of the Vocational Education Amendments of 1968 (82 Stat. 1091) is amended by striking "section 3 of the Carl D. Perkins Vocational Education Act" and inserting "the Carl D. Perkins Vocational and Technical Education Act of 1998."

(i) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 502(b)(1)(N)(i) (42 U.S.C. 3056(b)(1)(N)(i)), by striking "or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)"; and

(2) in section 505(d)(2) (42 U.S.C. 3056c(d)(2))—

(A) by striking "employment and training programs" and inserting "workforce investment activities"; and

(B) by striking "the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting "the Carl D. Perkins Vocational and Technical Education Act of 1998."

SECTION 4. ADULT EDUCATION AND FAMILY LITERACY.

The Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) is amended—

(1) in section 224, by adding at the end the following:

"(g) TRANSITION.—The provisions of this section shall be subject to section 506(b)."; and

(2) by amending paragraph (2) of section 506(b) to read as follows:

"(2) LIMITATION.—The authority to take actions under paragraph (1) shall apply until July 1, 2000."

SECTION 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) WORKFORCE INVESTMENT ACT OF 1998.—Section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841) is amended—

(1) in subsection (b)(1)(B)(iv), by inserting before the semicolon the following: "(other than part C of title I of such Act and subject to subsection (f))"; and

(2) by adding at the end the following:

"(f) APPLICATION TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.—

"(1) LIMITATION.—Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

"(2) CLIENT ASSISTANCE.—Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

"(A) violate the requirement of section 112(c)(1)(A) of that Act that the entity be independent of any agency which provides treatment, services, or rehabilitation to individuals under that Act; or

"(B) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations)."

(b) WAGNER-PEYSER ACT.—

(1) IN GENERAL.—Section 15 of the Wagner-Peyser Act (as added by section 309 of the Workforce Investment Act of 1998) is amended—

(A) in subsection (a)(2)(A)(i), by striking "under" and all that follows through "for which" and inserting "under the provisions of this section for any purpose other than the statistical purposes for which"; and

(B) in subsection (e)(2)(G), by striking "complementary" and inserting "complementarity."

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect July 2, 1999.

(c) REHABILITATION ACT OF 1973.—Section 725(c)(7) of the Rehabilitation Act of 1973 (as amended by section 410 of the Workforce Investment Act of 1998) is amended by striking "management," and all that follows and inserting "management;".

SECTION 6. REPEALS AND EXTENSIONS OF PREVIOUS HIGHER EDUCATION AMENDMENTS PROVISIONS.

(a) HIGHER EDUCATION AMENDMENTS OF 1986.—Title XIII of the Higher Education Amendments of 1986 (Public Law 99-498) is repealed.

(b) HIGHER EDUCATION AMENDMENTS OF 1992.—The following provisions of the Higher Education Amendments of 1992 (Public Law 102-325) are repealed:

(1) Parts E, F, and G of title XIII.

(2) Title XIV.

(3) Parts A, B, C, and D of title XV.

Appendix

I. In this Appendix (pages A-151 to A-173) are pertinent sections of other laws referred to in the Perkins Act of 1998. When you encounter such citations in the text of the Perkins Act or in the Section-by-Section Analysis of the law match the name of the law cited with the titles below, then go to that title in the pages that follow for the text of the section(s) cited. Noted in brackets under the title and number of each law is the Section number of the 1998 Perkins Act that refers to that law.

Alaska Native Claims Settlement Act

Americans with Disabilities Act of 1990

Education Amendments of 1978

Elementary and Secondary Education Act of 1965

General Education Provisions Act

Higher Education Act of 1965

Native Hawaiian Education Act of 1998

Tribally Controlled College or University Assistance Act of 1978

Wagner-Peyser Act

Workforce Investment Act of 1998

II. In this part of the Appendix (pages A-174 to A-187) are articles about the development and passage of the Perkins Act of 1998 reprinted from *Vocational Education Weekly* © 1998 American Vocational Association.

Section 3 of the Alaska Native Claims Settlement Act
43 U.S.C. 1602(b)
[Perkins Section 116. (a)(1)]

(b) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlaktla (FOOTNOTE 1) Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary regarding eligibility for enrollment shall be final; (FOOTNOTE 1) So in original. Probably should be "Metlakatla".

Section 3 of the Americans with Disabilities Act of 1990
42. U.S.C. 12102
[Perkins Section 3. (14)(A)]

(1) Disability

The term "disability" means, with respect to an individual -

(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment.

Section 1146 of the Education Amendments of 1978
25 U.S.C. 2026
[Perkins Section 116. (a)(2)]

(2) the term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior;

Section 10306 of the Elementary and Secondary Education Act of 1965
20 U.S.C. 8066
[Perkins Section 3. (5)]

(1) The term "charter school" means a public school that -

(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all

other operations, and is not affiliated with a sectarian school or religious institution;
(F) does not charge tuition;
(G) complies with the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964
(42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);
(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
(J) meets all applicable Federal, State, and local health and safety requirements; and
(K) operates in accordance with State law.

Section 14101 of the Elementary and Secondary Education Act of 1965

[Perkins Section 3. (B)(8)]

The term "educational service agency" means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

[Perkins Section 3. (16)]

18) Local educational agency
(A) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.
(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.
(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this chapter with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

[Perkins Section 3 (21)]

(25) Secondary school

The term "secondary school" means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

Section 444 of the General Education Provisions Act
20 U.S.C. 1232g
[Perkins Section 5. (a)]

Sec. 1232g. Family educational and privacy rights

-STATUTE-

(a) Conditions for availability of funds to educational agencies or institutions; inspection and review of education records; specific information to be made available; procedure for access to education records; reasonableness of time for such access; hearings; written explanations by parents; definitions

(1) (A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section.

(C) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

(i) financial records of the parents of the student or any information contained therein;

(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1,1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph

(D), confidential recommendations -

(I) respecting admission to any educational agency or institution,

(II) respecting an application for employment, and

(III) respecting the receipt of an honor or honorary recognition.

(D) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (C), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.

(4) (A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which -

(i) contain information directly related to a student; and

(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

(B) The term "education records" does not include -

(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;

(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education,which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5) (A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

(b) Release of education records; parental consent requirement; exceptions; compliance with judicial orders and subpoenas; audit and evaluation of federally-supported education programs; recordkeeping

(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section) of students without the written consent of their parents to any individual, agency, or organization, other than to the following -

(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required;

(B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C) authorized representatives of (i) the Comptroller General of the United States, (ii) (ii) the Secretary, or (iii) (iii) State educational authorities, under the conditions set forth in paragraph (3) of this subsection;

(D) in connection with a student's application for, or receipt of, financial aid;

(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted -

(i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released, or

(ii) after November 19, 1974, if -

(I) the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and

(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent of the student. (FOOTNOTE 1) So in original. The period probably should be a semicolon.

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in section 152 of title 26;

(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and

(J)(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.

(2) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection, unless -

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) except as provided in paragraph (1)(J), such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the

students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, or (C) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally-supported education programs, or in connection with the enforcement of the Federal legal requirements which relate to such programs: Provided, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4)(A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1)(A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party outside the educational agency or institution permits access to information in violation of paragraph

(2)(A), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of not less than five years.

(5) Nothing in this section shall be construed to prohibit State and local educational officials from having access to student or other records which may be necessary in connection with the audit and evaluation of any federally or State supported education program or in connection with the enforcement of the Federal legal requirements which relate to any such program, subject to the conditions specified in the proviso in paragraph (3).

(6) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18), the results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime with respect to such crime.

(c) Surveys or data-gathering activities; regulations

Not later than 240 days after October 20, 1994, the Secretary shall adopt appropriate regulations or procedures, or identify existing regulations or procedures, which protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.

(d) Students' rather than parents' permission or consent

For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(e) Informing parents or students of rights under this section

No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution effectively informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

(f) Enforcement; termination of assistance

The Secretary shall take appropriate actions to enforce this section and to deal with violations of this section, in accordance with this chapter, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with this section, and he has determined that compliance cannot be secured by voluntary means.

(g) Office and review board; creation; functions

The Secretary shall establish or designate an office and review board within the Department for the purpose of investigating, processing, reviewing, and adjudicating violations of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

(h) Disciplinary records; disclosure

Nothing in this section shall prohibit an educational agency or institution from -

(1) including appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

Section 101 of the Higher Education Act of 1965 [Perkins Section 3. (15), Section 114. (c)(7) and section 202. (a)(2)(A)]

(a) INSTITUTION OF HIGHER EDUCATION- For purposes of this Act, other than title IV, the term `institution of higher education' means an educational institution in any State that--

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) ADDITIONAL INSTITUTIONS INCLUDED- For purposes of this Act, other than title IV, the term `institution of higher education' also includes--

(1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a); and

(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) LIST OF ACCREDITING AGENCIES- For purposes of this section and section 102, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part H of title IV, to be reliable authority as to the quality of the education or training offered.

Sec. 102 of the Higher Education Act [Perkins Section 204. (a)(1)(B)(i)(I) and (a)(1)(B)(ii)]

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS-

(1) INCLUSION OF ADDITIONAL INSTITUTIONS- Subject to paragraphs (2) through (4) of this subsection, the term `institution of higher education' for purposes of title IV includes, in addition to the institutions covered by the definition in section 101--

(A) a proprietary institution of higher education (as defined in subsection (b) of this section);

(B) a postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) only for the purposes of part B of title IV, an institution outside the United

States that is comparable to an institution of higher education as defined in section 101 and that has been approved by the Secretary for the purpose of part B of title IV.

(2) INSTITUTIONS OUTSIDE THE UNITED STATES-

(A) IN GENERAL- For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101. In the case of a graduate medical or veterinary school outside the United States, such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B unless--

(i)(I) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

(II) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

(ii) the institution has a clinical training program that was approved by a State as of January 1, 1992, or the institution's students complete their clinical training at an approved veterinary school located in the United States.

(B) ADVISORY PANEL-

(i) IN GENERAL- For the purpose of qualifying as an institution under paragraph (1)(C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall--

(I) evaluate the standards of accreditation applied to applicant foreign medical schools; and

(II) determine the comparability of those standards to standards for accreditation applied to United States medical schools.

(ii) SPECIAL RULE- If the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 101.

(C) FAILURE TO RELEASE INFORMATION- The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part B of title IV.

(D) SPECIAL RULE- If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under title IV, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part B while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.

Section 9212 of the Native Hawaiian Education Act
20 U.S.C. 7912
[Perkins Section 116. (a)(5)]

(3) The term "Native Hawaiian Organization" means a private nonprofit organization that -

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

Section 2 of the Tribally Controlled College or University Assistance Act of 1978
25 U.S.C. 1801(a)(4)
[Pekins Section 3. (27)]

(3) "tribally controlled community college" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

Section 15 of the Wagner-Peyser Act
P.L. 105-220 (as ammended by the Workforce Investment Act of 1998 in Subtitle A—Wagner-Peyser Act)
[Perkins Section 118. (b)(5), (c)(1), (e)(3)]

SEC. 309. EMPLOYMENT STATISTICS.

The Wagner-Peyser Act is amended--

(1) by redesignating section 15 (29 U.S.C. 49 note) as section 16; and

(2) by inserting after section 14 (29 U.S.C. 49l-1) the following:

SEC. 15. EMPLOYMENT STATISTICS.

(a) SYSTEM CONTENT-

(1) IN GENERAL- The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide employment statistics system of employment statistics that includes--

(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on--

(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as--

- (i) national, State, and local policymaking;
- (ii) implementation of Federal policies (including allocation formulas);
- (iii) program planning and evaluation; and
- (iv) researching labor market dynamics;

(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

(H) programs of--

- (i) training for effective data dissemination;
- (ii) research and demonstration; and
- (iii) programs and technical assistance.

(2) INFORMATION TO BE CONFIDENTIAL-

(A) IN GENERAL- No officer or employee of the Federal Government or agent of the Federal Government may--

- (i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes of this section for which the submission is furnished;
- (ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or
- (iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

(B) IMMUNITY FROM LEGAL PROCESS- Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(C) RULE OF CONSTRUCTION- Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

(b) SYSTEM RESPONSIBILITIES-

(1) IN GENERAL- The employment statistics system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

(2) DUTIES- The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:

(A) Assign responsibilities within the Department of Labor for elements of the employment statistics system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the employment statistics system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

(E) Establish procedures for the system to ensure that--

(i) such data and information are timely;

(ii) paperwork and reporting for the system are reduced to a minimum; and

(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e).

(c) ANNUAL PLAN- The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, and with the assistance of other appropriate Federal agencies, shall prepare an annual plan which shall be the mechanism for achieving cooperative management of the nationwide employment statistics system described in subsection (a) and the statewide employment statistics systems that comprise the nationwide system. The plan shall--

(1) describe the steps the Secretary has taken in the preceding year and will take in the following 5 years to carry out the duties described in subsection (b)(2);

(2) include a report on the results of an annual consumer satisfaction review concerning the performance of the system, including the performance of the system in addressing the needs of Congress, States, localities, employers, jobseekers, and other consumers;

(3) evaluate the performance of the system and recommend needed improvements, taking into consideration the results of the consumer satisfaction review, with par-

ticular attention to the improvements needed at the State and local levels;
(4) justify the budget request for annual appropriations by describing priorities for the fiscal year succeeding the fiscal year in which the plan is developed and priorities for the 5 subsequent fiscal years for the system;
(5) describe current (as of the date of the submission of the plan) spending and spending needs to carry out activities under this section, including the costs to States and localities of meeting the requirements of subsection (e)(2); and
(6) describe the involvement of States in the development of the plan, through formal consultations conducted by the Secretary in cooperation with representatives of the Governors of every State, and with representatives of local workforce investment boards, pursuant to a process established by the Secretary in cooperation with the States.

(d) COORDINATION WITH THE STATES- The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, shall--
(1) develop the annual plan described in subsection (c) and address other employment statistics issues by holding formal consultations, at least once each quarter (beginning with the calendar quarter in which the Workforce Investment Act of 1998 is enacted) on the products and administration of the nationwide employment statistics system; and
(2) hold the consultations with representatives from each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State employment statistics directors affiliated with the State agencies that perform the duties described in subsection (e)(2).

(e) STATE RESPONSIBILITIES-
(1) DESIGNATION OF STATE AGENCY- In order to receive Federal financial assistance under this section, the Governor of a State shall--
(A) designate a single State agency to be responsible for the management of the portions of the employment statistics system described in subsection (a) that comprise a statewide employment statistics system and for the State's participation in the development of the annual plan; and
(B) establish a process for the oversight of such system.
(2) DUTIES- In order to receive Federal financial assistance under this section, the State agency shall--
(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide employment statistics system;
(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;
(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);
(D) maintain and continuously improve the statewide employment statistics system in accordance with this section;
(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide employment statistics system;

(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementary, compatibility, and usefulness of data;

(H) participate in the development of the annual plan described in subsection (c); and

(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

(3) RULE OF CONSTRUCTION- Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

(f) NONDUPLICATION REQUIREMENT- None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(g) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2004.

(h) DEFINITION- In this section, the term `local area' means the smallest geographical area for which data can be produced with statistical reliability.

Section 503 of the Workforce Investment Act of 1998
P.L. 105-220
[Perkins Section 111. (a)(1)(C)]

SEC. 503. INCENTIVE GRANTS.

(a) IN GENERAL- Beginning on July 1, 2000, the Secretary shall award a grant to each State that exceeds the State adjusted levels of performance for title I, the expected levels of performance for title II, and the levels of performance for programs under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.), for the purpose of carrying out an innovative program consistent with the requirements of any one or more of the programs within title I, title II, or such Public Law, respectively.

(b) APPLICATION-

(1) IN GENERAL- The Secretary may provide a grant to a State under subsection (a) only if the State submits an application to the Secretary for the grant that meets the requirements of paragraph (2).

(2) REQUIREMENTS- The Secretary may review an application described in paragraph (1) only to ensure that the application contains the following assurances:

(A) The legislature of the State was consulted with respect to the development of the application.

(B) The application was approved by the Governor, the eligible agency (as defined in section 203), and the State agency responsible for programs established under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.).

(C) The State and the eligible agency, as appropriate, exceeded the State adjusted levels of performance for title I, the expected levels of performance for title II, and the levels of performance for programs under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.).

(c) AMOUNT-

(1) MINIMUM AND MAXIMUM GRANT AMOUNTS- Subject to paragraph (2), a grant provided to a State under subsection (a) shall be awarded in an amount that is not less than $750,000 and not more than $3,000,000.

(2) PROPORTIONATE REDUCTION- If the amount available for grants under this section for a fiscal year is insufficient to award a grant to each State or eligible agency that is eligible for a grant, the Secretary shall reduce the minimum and maximum grant amount by a uniform percentage.

Section 111 of the Workforce Investment Act of 1998 [Perkins Section 121. (a)(1)(D)I]

SEC. 111. STATE WORKFORCE INVESTMENT BOARDS.

(a) IN GENERAL- The Governor of a State shall establish a State workforce investment board to assist in the development of the State plan described in section 112 and to carry out the other functions described in subsection (d).

(b) MEMBERSHIP-

(1) IN GENERAL- The State Board shall include--

(A) the Governor;

(B) 2 members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and

(C) representatives appointed by the Governor, who are--

(i) representatives of business in the State, who--

(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local boards described in section 117(b)(2)(A)(i);

(II) represent businesses with employment opportunities that reflect the employment opportunities of the State; and

(III) are appointed from among individuals nominated by State business organizations and business trade associations;

(ii) chief elected officials (representing both cities and counties, where appropriate);

(iii) representatives of labor organizations, who have been nominated by State labor federations;

(iv) representatives of individuals and organizations that have experience with respect to youth activities;

(v) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;

(vi)(I) the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners; and

(II) in any case in which no lead State agency official has responsibility for such a program, service, or activity, a representative in the State with expertise relating to such program, service, or activity; and

(vii) such other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State.

(2) AUTHORITY AND REGIONAL REPRESENTATION OF BOARD MEMBERS- Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse regions of the State, including urban, rural, and suburban areas.

(3) MAJORITY- A majority of the members of the State Board shall be representatives described in paragraph (1)(C)(i).

(c) CHAIRMAN- The Governor shall select a chairperson for the State Board from among the representatives described in subsection (b)(1)(C)(i).

(d) FUNCTIONS- The State Board shall assist the Governor in--

(1) development of the State plan;

(2) development and continuous improvement of a statewide system of activities that are funded under this subtitle or carried out through a one-stop delivery system described in section 134(c) that receives funds under this subtitle (referred to in this title as a `statewide workforce investment system'), including--

A) development of linkages in order to assure coordination and nonduplication among the programs and activities described in section 121(b); and

(B) review of local plans;

(3) commenting at least once annually on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C 2323(b)(14));

(4) designation of local areas as required in section 116;

(5) development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under sections 128(b)(3)(B) and 133(b)(3)(B);

(6) development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b);

(7) preparation of the annual report to the Secretary described in section 136(d);

(8) development of the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act; and

(9) development of an application for an incentive grant under section 503.

(e) ALTERNATIVE ENTITY-

(1) IN GENERAL- For purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board, combination of regional workforce development boards, or similar entity) that--

(A) was in existence on December 31, 1997;

(B)(i) was established pursuant to section 122 or title VII of the Job Training Partnership Act, as in effect on December 31, 1997; or

(ii) is substantially similar to the State board described in subsections (a), (b), and (c); and

(C) includes representatives of business in the State and representatives of labor organizations in the State.

(2) REFERENCES- References in this Act to a State board shall be considered to include such an entity.

(f) CONFLICT OF INTEREST- A member of a State board may not--

(1) vote on a matter under consideration by the State board--

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(g) SUNSHINE PROVISION- The State board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the State board, including information regarding the State plan prior to submission of the plan, information regarding membership, and, on request, minutes of formal meetings of the State board.

Section 121 of the Workforce Investment Act of 1998 [Perkins Section 121 (a)(1)(D)(ii) and Perkins Section 122. (c)(21)]

SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) IN GENERAL- Consistent with the State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall--

(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners;

(2) designate or certify one-stop operators under subsection (d); and

(3) conduct oversight with respect to the one-stop delivery system in the local area.

(b) ONE-STOP PARTNERS-

(1) REQUIRED PARTNERS-

(A) IN GENERAL- Each entity that carries out a program or activities described in subparagraph (B) shall--

(i) make available to participants, through a one-stop delivery system, the services described in section 134(d)(2) that are applicable to such program or activities; and

(ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c), and with the requirements of the Federal law in which the program or activities are authorized.

(B) PROGRAMS AND ACTIVITIES- The programs and activities referred to in subparagraph (A) consist of--

(i) programs authorized under this title;

(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

(iii) adult education and literacy activities authorized under title II;

(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(v) programs authorized under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) (as added by section 5001 of the Balanced Budget Act of 1997);

(vi) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

(vii) postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(viii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

(ix) activities authorized under chapter 41 of title 38, United States Code;

(x) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(xi) employment and training activities carried out by the Department of Housing and Urban Development; and

(xii) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(2) ADDITIONAL PARTNERS-

(A) IN GENERAL- In addition to the entities described in paragraph (1), other entities that carry out a human resource program described in subparagraph (B) may--

(i) make available to participants, through the one-stop delivery system, the services described in section 134(d)(2) that are applicable to such program; and

(ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c), and with the requirements of the Federal law in which the program is authorized;

if the local board and chief elected official involved approve such participation.

(B) PROGRAMS- The programs referred to in subparagraph (A) may include--

(i) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(ii) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));

(iii) work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o));

(iv) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and

(v) other appropriate Federal, State, or local programs, including programs in the private sector.

(c) MEMORANDUM OF UNDERSTANDING-

(1) DEVELOPMENT- The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners), consistent with paragraph (2), concerning

the operation of the one-stop delivery system in the local area.

(2) CONTENTS- Each memorandum of understanding shall contain--

(A) provisions describing--

(i) the services to be provided through the one-stop delivery system;

(ii) how the costs of such services and the operating costs of the system will be funded;

(iii) methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities; and

(iv) the duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum; and

(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

(d) ONE-STOP OPERATORS-

(1) DESIGNATION AND CERTIFICATION- Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(2) ELIGIBILITY- To be eligible to receive funds made available under this subtitle to operate a one-stop center referred to in section 134(c), an entity (which may be a consortium of entities)--

(A) shall be designated or certified as a one-stop operator--

(i) through a competitive process; or

(ii) in accordance with an agreement reached between the local board and a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1); and

(B) may be a public or private entity, or consortium of entities, of demonstrated effectiveness, located in the local area, which may include--

(i) a postsecondary educational institution;

(ii) an employment service agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;

(iii) a private, nonprofit organization (including a community-based organization);

(iv) a private for-profit entity;

(v) a government agency; and

(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization.

(3) EXCEPTION- Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area vocational education schools shall be eligible for such designation or certification.

(e) ESTABLISHED ONE-STOP DELIVERY SYSTEM- If a one-stop delivery system has been established in a local area prior to the date of enactment of this Act, the local board, the chief elected official, and the Governor involved may agree to certify an entity carrying out activities through the system as a one-stop operator for purposes of subsection (d), consistent with the requirements of subsection (b), of the memorandum of understanding, and of section 134(c).

Section 112 of the Workforce Investment Act of 1998 [Perkins Section 122. (c)(21)]

SEC. 112. STATE PLAN. (b)(8)

(b) CONTENTS- The State plan shall include--

(8)(A) a description of the procedures that will be taken by the State to assure coordination of and avoid duplication among--

(i) workforce investment activities authorized under this title;
(ii) other activities authorized under this title;
(iii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), title II of this Act, title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)), activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), and postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);
(iv) work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o));
(v) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
(vi) activities authorized under chapter 41 of title 38, United States Code;
(vii) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);
(viii) activities authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);
(ix) employment and training activities carried out by the Department of Housing and Urban Development; and
(x) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law); and

(B) a description of the common data collection and reporting processes used for the programs and activities described in subparagraph (A);

Section 501 of the Workforce Investment Act of 1998 [Perkins Section 122. (d)]

SEC. 501. STATE UNIFIED PLAN.

(a) DEFINITION OF APPROPRIATE SECRETARY- In this section, the term `appropriate Secretary' means the head of the Federal agency who exercises administrative authority over an activity or program described in subsection (b).

(b) STATE UNIFIED PLAN-

(1) IN GENERAL- A State may develop and submit to the appropriate Secretaries a State unified plan for 2 or more of the activities or programs set forth in paragraph (2), except that the State may include in the plan the activities described in paragraph (2)(A) only with the prior approval of the legislature of the State. The State unified plan shall cover one or more of the activities set forth in subparagraphs (A) through (D) of paragraph (2) and may cover one or more of the activities set forth

in subparagraphs (E) through (O) of paragraph (2).

(2) ACTIVITIES- The activities and programs referred to in paragraph (1) are as follows:

(A) Secondary vocational education programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(B) Postsecondary vocational education programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(C) Activities authorized under title I.

(D) Activities authorized under title II.

(E) Programs authorized under section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)).

(F) Work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)).

(G) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(H) Programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(I) Programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 of such Act (29 U.S.C. 732).

(J) Activities authorized under chapter 41 of title 38, United States Code.

(K) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(L) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(M) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(N) Training activities carried out by the Department of Housing and Urban Development.

(O) Programs authorized under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

(c) REQUIREMENTS-

(1) IN GENERAL- The portion of a State unified plan covering an activity or program described in subsection (b) shall be subject to the requirements, if any, applicable to a plan or application for assistance under the Federal statute authorizing the activity or program.

(2) ADDITIONAL SUBMISSION NOT REQUIRED- A State that submits a State unified plan covering an activity or program described in subsection (b) that is approved under subsection (d) shall not be required to submit any other plan or application in order to receive Federal funds to carry out the activity or program.

(3) COORDINATION- A State unified plan shall include--

(A) a description of the methods used for joint planning and coordination of the programs and activities included in the unified plan; and

(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering such programs and activities to review and comment on all portions of the unified plan.

d) APPROVAL BY THE APPROPRIATE SECRETARIES-

(1) JURISDICTION- The appropriate Secretary shall have the authority to approve the portion of the State unified plan relating to the activity or program over which the appropriate Secretary exercises administrative authority. On the approval of the appropriate Secretary, the portion of the plan relating to the activity or program shall be implemented by the State pursuant to the applicable portion of the State unified plan.

(2) APPROVAL-

(A) IN GENERAL- A portion of the State unified plan covering an activity or program described in subsection (b) that is submitted to the appropriate Secretary under this section shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the appropriate Secretary receives the portion, unless the appropriate Secretary makes a written determination, during the 90-day period, that the portion is not consistent with the requirements of the Federal statute authorizing the activity or program including the criteria for approval of a plan or application, if any, under such statute or the plan is not consistent with the requirements of subsection (c)(3).

(B) SPECIAL RULE- In subparagraph (A), the term `criteria for approval of a State plan', relating to activities carried out under title I or II or under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretary regarding State performance measures, including levels of performance.

Vocational Education Weekly
The newsletter for workforce development professionals

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Voc ed office needs to show results of federal investments

The Education Department's vocational education office is between a rock and a hard place.

Congress wants the office — along with the rest of the department — to craft a system by 1999 that will show outcomes of federal investments. It intends to use these outcomes — required by the 1993 Government Performance and Results Act — to decide how much money to give to programs.

The problem is the structure the office would use to gather and show these results is in the proposed vocational education bills, which are stalled in Congress and are increasingly unlikely to get passed this year.

"The appropriations committees are saying to us very clearly that they want to see evidence of results and I think the performance measure that are in the proposed legislation line up very nicely with our GPRA objectives," Patricia McNeil, the department's vocational education chief, said in an interview last month.

But even without a new authorizing legislation, McNeil said her office is forging ahead in working with states to develop common definitions and performance measures for vocational education. It's telling states to submit new vocational education plans for the next program year, which begins July 1.

The office last month held the first of three workshops in Washington,

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New voc ed law would help in common state measures efforts

McNeil, from page 1

D.C, with states — which included vocational education, school-to-work and job training officials — to discuss how to rework state plans, McNeil said, adding that 35 states have made some adjustments to traditional vocational areas, such as new career majors for students, since 1990.

"We want states to think about how their labor markets are changing and how the course work at the secondary and postsecondary levels must change," she said.

The 1990 amendments to the Carl D. Perkins Vocational and Applied Technology Education Act for the first time required states to develop performance measures for federally funded vocational education programs.

"When states last did their plans, we were just at the beginning of launching Perkins," McNeil said. "We were just in the beginning of integrating academic and vocational curriculum. We didn't even have the World Wide Web yet. The whole climate in which we are operating is very, very different."

She acknowledged the challenges are tough. She noted, for example, that states have been mulling over how to define who is a vocational education student. In the past, it was easy to define them; they enrolled in vocational education classes. Now states must consider whether students in newer initiatives such as career academies and in courses that include career exploration courses also are vocational education students.

In addition, states are examining how to measure vocational education students' academic performance and whether to measure it at all. They also must tackle the issue of keeping tabs on students when they leave high school, including if it's better to track postsecondary enrollment, entry into jobs, or both or some variation to best gauge the outcomes of vocational education.

It hasn't been easy getting states to agree on definitions and measures, as many already keep data on certain measures and are sometimes reluctant to change, McNeil said. That's why the department launched this ongoing effort 18 months ago: "It takes time."

Reprinted from October 12, 1998 *Vocational Education Weekly*

House and Senate approve new Perkins Act

Negotiators compromise on funding formulas; gender equity debate rekindled

The House and Senate, rushing to finish legislative business before Congress adjourned for the year, passed the vocational education reauthorizing bill (H.R. 1853) by voice vote last Thursday. The votes in Congress pave the way for President Clinton to sign the first new vocational education authorizing bill since 1990.

House and Senate negotiators cut a series of 11th-hour deals last week to make it possible for Congress to pass the Carl D. Perkins Vocational and Technical Education Act. But H.R. 1853 hit an unexpected bump last Wednesday as the conference committee engaged in a feisty partisan debate over gender equity provisions.

By Thursday the committee approved a compromise bill that would allow states to spend at least $60,000 but no more than $150,000 a year on gender equity activities. Congress, set to adjourn Oct. 11, was racing against the clock to approve the vocational education bill this year.

Several lobbyists expected the conference committee, gathered for the first time, to quickly approve the bill Wednesday. But the meeting ended before the conferees resolved the outstanding issues. Conference committee chairman Sen. Jim Jeffords (R-Vt.) directed staff to finish details of a compromise on gender equity and to circulate it for the committee to review.

"Everybody wants the bill," Jeffords said in an interview after the meeting. Jeffords, who is chairman the Senate's labor committee, said the nation needs a new vocational education bill to make its workers more competitive. "We've just got to get our act together to meet the international competition, and this bill is a key part of it."

The bill was nearly given up for dead a few weeks ago, when vocational education advocates feared the funding formula differences between the House and Senate versions could not be resolved. Staff members from both chambers had come to loggerheads and walked away from negotiations, and Congress was preoccupied with higher-profile issues as it headed toward ad-

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Reprinted from October 12, 1998 *Vocational Education Weekly*

Congress resolves funding formula issues in new voc ed bill

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journment.

But staffers resumed meeting and hammered out agreements on the state share of federal vocational education funding, as well as the within state funding formula for secondary schools.

Funding formulas

The conference report calls for states to send 85 percent of their federal funds to local districts and keep 15 percent. States must spend 5 percent on administration and 10 percent on leadership activities.

The new bill also would create a discretionary fund of 10 percent of the funds states send to local districts. States could use that fund for grants to rural areas, regions with a high percentage of vocational education students, areas with large student populations or communities that receive less money because of the changes to the secondary within state formula.

Under current law, states send 75 percent of their federal allocation to local communities. Five percent is reserved for state administration, including $60,000 for a gender equity coordinator and related activities. Another 10.5 percent is reserved for equity programs, 8.5 percent goes to state leadership and 1 percent is reserved for vocational programs for prisoners.

The House, in the bill it passed last year, proposed to increase to 90 percent the amount states send to local districts. The state would have kept a total of 10 percent: 8 percent for leadership and 2 percent for administration.

The Senate bill, in contrast, called for states to keep 25 percent: 14 percent for leadership, 10 percent for administration and 1 percent for prisoners.

The road to a new Perkins bill

- **July 1997**: House approves H.R. 1853, a reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act, by a 414-12 vote. An amendment by Rep. Patsy Mink (D-Hawaii) to continue current law's mandate for a sex equity coordinator in each state is defeated, 214-207.
- **May 1998**: Senate approves S. 1186, its Workforce Investment Partnership Act, by a 91-7 vote. The bill includes vocational education, job training and adult education programs.
- **June 1998**: Senate unanimously agrees to remove the vocational education provisions from its workforce bill, clearing the way for a conference with the stand-alone House vocational education bill.
- **Summer 1998**: House and Senate negotiators trade proposals on funding formula differences in the two bills but fail to reach agreement.
- **October 1998**: Staff negotiators reach compromise on funding formulas, but House and Senate members debate the bill's sex equity provisions. After spirited discussion and late-night negotiations, conferees approve a conference bill to send to the House and Senate.

The agreement reached by House and Senate staffers represents "a true compromise," though it is not the exact mid-point between the House and Senate proposals, said Nancy O'Brien, the American Vocational Association's assistant executive director for government relations. Several lobbyists saw the Senate 25 percent proposal as a starting point for negotiations.

For the secondary within state funding formula, the conference bill would keep current law through fiscal 2000, meaning states would continue to flow money to secondary schools based 70 percent on Title I enrollment, 20 percent on the number of students in special education and 10 percent on the district's enrollment. After fiscal 2000, the new bill would base secondary school funding 70 percent on poverty and 30 percent on population.

The Senate bill would have kept current law, while the House proposed shifting to a formula based 60 percent on poverty and 40 percent on population.

Gender equity

Funding formula issues, particularly the House Republicans' insistence on the 90-10 split, presented the biggest obstacles to passing the bill. But the conference committee spent Wednesday arguing about gender equity.

Under the 1990 law, each state must have a full-time sex equity coordinator and spend $60,000 a year on equity activities. Both the House and Senate bills would eliminate the required coordinator. Under the Senate bill, states would have to spend $60,000 a year on gender equity activities and outline how they are using federal funds to serve women and other special populations. The House, meanwhile, would eliminate the 10.5 percent setaside for sex equity and programs serving single parents, single pregnant women and displaced homemakers — though states would still have the option of funding such programs.

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Reprinted from October 12, 1998 *Vocational Education Weekly*

Conference committee debates gender equity

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At Wednesday's meeting, a Senate staffer said House and Senate negotiators had agreed to allow each state to use $60,000 or 0.5 percent of its leadership money for gender equity programs, whichever is greater. Rep. Matthew Martinez (D-Calif.) said that offer failed to satisfy women's groups that are concerned about the elimination of the current law's setaside.

The compromise reached by staff would designate $60,000 to $150,000 from each state's leadership money for services that prepare people for nontraditional training and employment, meaning fields in which one gender comprises less than a quarter of the workers. Programs for displaced homemakers, single mothers and other special populations also could continue to be funded through basic state grants for vocational education. "There are many ways those programs can continue to get money, even without the setaside," O'Brien said.

"I think this is a reasonable compromise," said a spokeswoman for Sen. Edward Kennedy (D-Mass.), a member of the conference committee. Kennedy argued during the meeting that states should have the flexibility to channel money for gender equity activities to communities that are negatively affected by the proposed elimination of the setaside.

Rep. Bill Goodling (R-Pa.) countered, "If we're not careful, we'll be back to the 10 percent setaside." The bill is "not nearly as good as it was when it left the House," but it's slightly better than current law, Goodling added.

Meanwhile, Rep. John Peterson (R-Pa.) said he worries that a reserve of funds originally intended for rural areas is being watered down by making it available for other purposes. Rural areas have inadequate access to vocational education and lag behind cities and suburban areas in technical education, he said.

Reprinted from October 19, 1998 *Vocational Education Weekly*

Voc ed officials pleased with new Perkins Act

Vocational education advocates say they were thrilled and relieved this month when Congress passed the long-awaited vocational education reauthorization (H.R. 1853).

The new Carl D. Perkins Vocational and Technical Education Act, which awaits President Clinton's signature, is expected to give states and local districts greater flexibility to develop programs while making them more accountable for student performance. The new bill also would send more money to the local level and eliminate the setaside for gender equity programs, as well as the mandated equity coordinator in each state.

"It's just a solid footing [that] we need to move forward," said Patricia McNeil, the Education Department's vocational education chief. "We've got to show Congress and the public that this is vocational education for the 21st century."

Vocational education officials interviewed last week voiced minor complaints but said they are generally pleased that Congress finished work on the new bill, which began about three years ago.

The current Perkins Act, approved in 1990, expired in 1996. Congress failed to pass a new bill two years ago, and advocates feared that if no legislation passed this session, Congress might not have considered vocational education again until 2000 or later. Officials also worried that vocational education could have been rolled into the Elementary and Secondary Education Act, which Congress will reauthorize next year.

But for now, the House and Senate allayed those fears by passing H.R. 1853 as they rushed toward adjournment. Clinton is expected to sign the bill, though no date has been set.

The bill's chances of passing this year "were touch and go the whole way," said Nancy O'Brien, the American Vocational Association's assistant executive director for government relations. "To have it all come together at the end of the session was wonderful."

O'Brien said the bill meets AVA's highest priorities: it gives vocational education separate authorizing legislation; it ensures that education authorities, not governors or labor officials, oversee vocational education; it includes a separate authorization for tech prep; and it creates a 10 percent reserve

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Reprinted from October 19, 1998 *Vocational Education Weekly*

Women's groups hope gender equity programs will continue

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of local funding that can serve rural or urban areas or regions adversely affected by changes to the secondary within state formula.

One House staffer said he was surprised the bill passed, given the funding formula differences that stalled negotiations several times in recent months. "It looked like it died a million deaths," the staffer said.

House Republicans pushed for the bill to send 90 percent of federal funding to local districts, up from 75 percent in current law. The compromise reached in conference calls for states to send 85 percent to local districts. States may spend up to 5 percent of the funds on administration and 10 percent on leadership activities.

The conference bill also reduces required gender equity activities — a change that initially sparked protests from women's groups. But representatives of those groups say the new bill gives states the flexibility to continue gender equity programs if they choose.

The new bill calls for each state to spend between $60,000 and $150,000 of its leadership money on programs that prepare people for nontraditional training and employment, meaning fields where one gender comprises less than a quarter of the workers. Gone is current law's requirement that each state have a full-time gender equity coordinator and spend $60,000 on related activities. The new bill also would eliminate the current 10.5 percent setaside for sex equity and programs serving single parents, single pregnant women and displaced homemakers.

"The term 'gender equity' is very obviously missing from this bill," said Mimi Lufkin, executive director of the National Alliance for Partnerships in Equity, a consortium of state education agencies. But the bill gives states the opportunity to continue funding gender equity programs and maintain a gender equity coordinator, Lufkin said. She noted there are references to gender equity-style initiatives throughout the bill; in the bill's accountability section, for example, one performance indicator is the number of students who complete programs that lead to nontraditional training and employment.

The question, Lufkin said, is whether states will choose to carry on gender equity programs that are mandated under current law. "I'm trying to be as optimistic as I can," Lufkin said, but she predicted "we'll see a great disparity" among states.

> **"It looked like it died a million deaths."**
>
> — a House staff member, on H.R. 1853's earlier prospects

Rubie Coles, co-executive director of Women Work, a nonprofit coalition of education and training programs for women, agreed that Congress sent a strong message that it wants gender equity programs to continue. But Coles called the elimination of the 10.5 percent setaside, which amounted to about $100 million, a "grave policy error." She noted that states had the flexibility to do gender equity programs before the setaside was established in 1984, but declined. "The fear is they will go back to their pre-1984 mode of operation," Coles said.

Asked whether the new bill is a win or a loss for gender equity programs, Coles said, "It's too early to tell. Certainly it's a huge loss compared to current law, but it certainly is a gain compared to the House bill." The House proposal allowed states to fund programs for women and other special populations but included no funding or mandates.

Larger states could have devoted more than $150,000 to gender equity programs if the congressional conferees had adopted a proposal to allow each state to use $60,000 or 0.5 percent of its leadership money, whichever is greater. "I would have been better off without a cap" on gender equity spending, said Tom Henry, New Jersey's vocational education director. But Henry added New Jersey will continue to fund a gender equity coordinator.

Katharine Oliver, Maryland's assistant superintendent for career technology and adult training, said the elimination of the gender equity setaside gives states a chance to include special populations in the mainstream of education and training. "The setaside programs created silos where we served folks separately," Oliver said. "They need to be included in all we do." Maryland also plans to maintain its gender equity coordinator.

McNeil said the reauthorization will help officials make the case that vocational education is an up-to-date program that needs more federal money. Vocational education will probably not receive additional funding in fiscal 1999 because of the new bill. But Jack Jennings, director of the Center on Education Policy, a nonprofit agency that advocates for public education, said next year should be an ideal time to push for more federal money, since Congress likes to boost funding for recently reauthorized programs.

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Congress, Clinton give voc ed $7.1 million more for fiscal '99

President Clinton last week signed a funding bill that will allot an extra $3.1 million for vocational education basic state grants and $3 million more for tech prep in fiscal 1999.

Vocational education officials and supporters in Congress said they were disappointed by the modest increase, which amounts to less than 1 percent of the $1.15 billion vocational education budget and fails to match the larger increases for other education programs. Overall education funding will rise by about $3.6 billion, or 12 percent.

Congressional conferees rejected the Senate proposal to freeze funding for most vocational education programs and adopted the modest increases proposed by the House. The House voted 333-95 in favor of the $500 billion omnibus measure (H.R. 4328) that includes the education and labor budgets and eight other funding bills, while the Senate approved the bill 65-29. Clinton signed the bill into law a few hours after the Senate passed it last Wednesday.

Funding for vocational education's basic state grants will rise from $1,027.6 million to $1,030.7 million. Tech prep will receive a boost from $103 million to $106 million, and Congress voted to increase funding for tribally controlled postsecondary vocational institutions from $3.1 million to $4.1 million. Funding for national research programs will stay at $13.5 mil-

See Budget, page 2

New voc ed bill stresses accountability

Below is the first in an occasional series of articles examining the impact of the new Carl D. Perkins Vocational-Technical Education Act.

Increased accountability is a cornerstone of the new vocational education bill (H.R. 1853), and states will need to adjust to new data collection and reporting requirements.

One official predicted the new bill, which awaits President Clinton's signature, will send shock waves through states. At the very least, states must report student achievement in a way they never have before, using a common language that allows for nationwide comparisons.

The bill presents new opportunities for states to show the impact of vocational education programs, but also creates "a far greater follow-up burden than we currently have," said Kimberly Green, executive director of the National Association of State Directors of Vocational Technical Education Consortium. The bill's accountability provisions are complex and couched in

See Accountability, page 3

Advocates disappointed by modest funding increase for voc ed

Budget, from page 1

lion.

Overall, the vocational education budget will go up from $1,147.1 million to $1,154.2 million. The $7.1 million increase is less than half the $15.2 million raise vocational education got from Congress for fiscal 1998.

"We're certainly disappointed that more money was not targeted to vocational-technical education, given the new reauthorization and given the emphasis on other education funding in the omnibus bill," said Nancy O'Brien, the American Vocational Association's government relations director.

O'Brien said approval of the new vocational education authorizing bill (H.R. 1853), which Congress passed Oct. 8 and Clinton is expected to sign soon, came too late to affect fiscal '99 funding. "We're certainly hoping the reauthorization acts as a catalyst for more money next year," O'Brien added.

Rep. John Peterson (R-Pa.) lobbied to increase vocational education funding by $100 million, but House and Senate budget leaders rejected his proposal to take money from an Education Department technology literacy program. A Peterson spokesman last week said the congressman was "deeply disappointed."

The Committee for Education Funding, a coalition of education organizations, praised Congress for raising education funding but noted that several key programs, including vocational education, did not receive increases that match the inflation rate.

Congress gave tech prep a $3 million increase for the second straight year. "I think tech prep is perceived as good education. It's not just job training," said Daniel Hull, a tech prep advocate and president of the nonprofit Center for Occupational Research and Development in Texas. Because it has strong academic components and is not viewed as a "track" program, tech prep has attracted additional federal funding, Hull said. Now that the federal government is phasing out school-to-work funding, Hull said he would encourage Congress to raise tech prep funding to $300 million or more.

Other programs

School-to-work funding will drop from $400 million to $250 million under the budget approved last week. The House proposed cutting STW funding, which comes from the Labor and Education department budgets, to $150 million. Federal STW funding will sunset in October 2001.

Congress approved a $24.5 million increase for adult education, from $360.5 million to $385 million.

The maximum Pell Grant award will rise from $3,000 to $3,125.

In the Labor Department budget, a summer youth employment program that the House wanted to eliminate will continue to be funded at $871 million.

Job Corps will receive a $61.4 million increase, to $1,307.6 million.

Opportunity Areas for Youth, a pilot program for out-of-school youths in poor urban and rural areas, is funded at $250 million.

Funding for one-stop career centers will drop from $163.3 million to $146.5 million. The skill standards initiative will be funded at $7 million.

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States face new voc ed accountability measures

Accountability, from page 1

vague language, Green added. "There are more questions than answers at this time."

The bill approved by Congress this month calls for each state, in cooperation with the Education Department, to set expected performance levels for four categories: student attainment of vocational, technical and academic skill proficiencies; acquisition of secondary or postsecondary degrees or credentials; placement and retention in postsecondary education or employment; and completion of vocational and technical programs that lead to nontraditional training and employment (meaning fields where one gender accounts for less than a quarter of the participants).

The performance levels for these "core indicators" must be expressed in percentages or numbers, to make sure they are "objective, quantifiable and measurable," the bill says. H.R. 1853 also requires states to "continually make progress toward improving the performance of vocational and technical education students." Each state will have to make public how well it meets the expected performance levels; the Education Department will pass the results to Congress and issue state-by-state comparisons.

If a state fails to meet its performance levels and does not establish a plan to improve, the department can withhold all or part of a state's vocational education funding.

Green said most state directors see the value of determining, for example, that vocational education nationwide prepares a certain percentage of students to meet 10th-grade mathematics benchmarks. But states do not collect that kind of data now, and they fear the new requirements will be imposed too rapidly, Green said. State plans are due to the department's vocational education office April 1, though states are allowed to submit less detailed "transitional" plans for the first year.

See Accountability, page 4

Reprinted from October 26, 1998 *Vocational Education Weekly*

New Perkins bill emphasizes both accountability and flexibility

Accountability, from page 3

The 1990 vocational education law required states to develop performance measures for the first time. States must track student learning and competency gains, and measure attainment of certain occupational competencies. But Green said the performance measures states use now are not nearly as extensive as those required by the new bill, and it's unclear how state-mandated academic standards will fit with the academic requirements in the new Perkins bill.

"We know that it's going to be cumbersome," Green said. "The question on everybody's mind is, 'How soon are we going to have to do this?'"

Another question that begs to be answered, Green said, is how to define a vocational education student: Are they only program completers or also students who take one or two vocational classes?

The issue is not addressed in the new bill. "You look through [the bill] and you won't find a definition of a vocational student," said Mark Schwartz, a program analysis chief for the department's vocational education office. "The definition has principally been with the states, so that gives you the potential for 50 different definitions." The bill does not say the department has the authority to define vocational students nationwide, Schwartz added.

Some sections of the bill look simple but become more complex upon closer examination, Schwartz said. For example, the bill calls for states to measure student attainment of "challenging, state-established academic, and vocational and technical, skill proficiencies." But how does one define "challenging"? "To me it's a euphemism" that cannot be easily quantified, Schwartz said.

The bill appears to have "an inherent contradiction," he added, because it emphasizes accountability while seeking to give states the flexibility to develop their own performance measures. The bill promotes accountability and high-quality performance rather than uniform data or national standards, Schwartz said. But it also identifies student performance indicators for which congressional appropriators want to see nationwide results.

If vocational education officials can tell Congress that 70 percent of states met or exceeded agreed-upon performance levels for a certain skill proficiency, Schwartz said, "that seems to me to paint a national picture. It doesn't paint it with national data." The driving force behind the new accountability provisions is that federal appropriators want to know if the money designated for vocational education is worth it.

But Green said national comparisons are difficult because states have different performance benchmarks and definitions for vocational students. "The circumstances in Maryland are very different than the circumstances in Arizona," she noted. "You can compare states and not have comparable data."

Russ McCampbell, Missouri's vocation education director, acknowledged that state directors are apprehensive about the new requirements, "but even with that apprehension most of them say we really need to be doing this."

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Voc ed plays part in some gubernatorial races

Vocational-technical education isn't as politically hot an issue as vouchers, block grants or school construction, but it does figure in a handful of the 36 governors' races to be decided this week.

In Vermont, for example, Gov. Howard Dean (D) is pledging $8.5 million to renovate a technical center and calling for businesses to play a bigger role in vocational education.

Dean, Vermont's governor since 1990, launched his re-election campaign in September with a tour of the state's public schools, including the technical center in Springfield.

If he is re-elected, Dean said he would include in next year's state budget the majority of the estimated $8.5 million needed to renovate and expand the center. Plans call for the center to offer both high school and postsecondary programs and be run by a coalition of business people and state and local school officials.

Dean also called on businesses to "play a greater role in the way we teach vocational education," saying stronger business-school partnerships linked to postsecondary education are needed to ensure quality jobs for Vermont graduates.

Dean's chief challenger, Republican candidate Ruth Dwyer, a farmer and member of Vermont's House of Delegates, did not return phone calls from *VEW* last week.

Libertarian candidate Amy Berkey, a 28-year-old chef and restaurant owner who attended the New England Culinary Institute, said in an interview she "would love to see businesses involved in vocational education, but I don't think government is the way to do it."

Berkey supports school-to-work but said, "I don't think Governor Dean's school-to-work plan is really working." STW officials hold plenty of meetings, she noted, but no one has approached her about taking STW students in her restaurant, and she does not see STW students working in other businesses around her home town of Randolph. "It makes sense to put kids in the workforce," Berkey said. "[But] through government, we've just created this huge bureaucracy that's not necessarily doing the job."

Berkey advocates business leaders going into schools to recruit students. Through a cooperative arrangement, high school students from the Ran-

See Governors, page 2

President Clinton set to sign new Perkins bill

President Clinton was expected late last week to sign into law the new vocational education authorizing bill (H.R. 1853).

Clinton had 10 days to sign the 1998 Carl D. Perkins Vocational-Technical Education Act after receiving it from Congress, which passed the bill last month. Oct. 31 was the deadline for Clinton to sign, a White House spokesman said.

Clinton planned to sign the bill without a ceremony in the White House, according to a House staffer. The bill will reauthorize vocational education programs for five years.

Is STW allowed under new Perkins Act?

Below VEW continues its occasional series examining the new Carl D. Perkins Vocational-Technical Education Act.

Portions of the new vocational education authorizing bill (H.R. 1853) seek to prevent Perkins Act funds from being used for school-to-work programs. Although vocational education and STW officials say the potential impact of the language is unclear, for now they are not worried about the new Perkins Act hindering their activities.

The bill says federal vocational education funds cannot be used to "provide funding under the School-to-Work Opportunities Act" or carry out, through the Perkins Act, activities funded under the school-to-work law, unless those activities serve only students who are eligible for vocational education.

Understandably, officials find that passage a little murky.

"We do not believe the language will affect school-to-work, but we are still studying the legislation," a National School-to-Work Office

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Reprinted from November 2, 1998 *Vocational Education Weekly*

Gubernatorial candidates call for stronger workforce education

Governors, from page 1

dolph Area Vocational Center's culinary program do internships of three to four weeks at Berkey's restaurant, setting goals and learning skills such as baking. Berkey said the experience is enjoyable and educational for her, and it gives her an idea of what to expect from culinary program graduates.

On a workforce stump

In Wisconsin, Gov. Tommy Thompson (R) is touting his workforce and training initiatives as he runs for a fourth term.

Thompson promoted "Youth Options," a program that allows high school juniors and seniors to attend technical colleges full- or part-time and receive both high school and college credit. The program, which began this fall, has 740 students enrolled in Wisconsin technical colleges, and that number is expected to increase, said Sharyn Wisniewski, marketing director for the state's technical colleges. Program participants are particularly interested in machine tool, computer and health-related courses, she added.

After meeting with employers who told him they need better-trained workers in industrial and technical trades, Thompson in September unveiled "Building Tomorrow's Workforce," a training and education initiative. The initiative seeks to increase youth apprenticeships by 5,000 in the next two years and make apprenticeships available to 5,000 low-income teen-agers in Milwaukee. In addition, Thompson wants to raise adult enrollment in Wisconsin's industrial apprenticeships by 10 percent (or 1,000 participants) in three years to produce more electricians, machinists and tool and die makers.

Democratic challenger Ed Garvey, a labor lawyer, has not made vocational education an issue, but a spokeswoman said he "definitely believes people should have the opportunity to pursue vocational education." Garvey also supports access to vocational training for participants in Wisconsin's welfare-to-work program. In addition, Garvey wants to remove the state revenue caps that limit teacher salaries.

> ***Wisconsin Gov. Tommy Thompson wants to increase youth apprenticeships by 5,000 in the next two years.***

One path for all

Under Gov. Mike Huckabee (R), Arkansas last year eliminated the separate high school tech prep pathway and created a single-track core curriculum. Huckabee considers the change one of his chief accomplishments in education.

Arkansas established a two-pathway system in 1991 that called for students to choose tech prep or college prep. Graduation requirements in the two pathways were largely the same, though tech prep students were not required to take Algebra I.

But parents considered the tech prep pathway a lesser option, said John Davidson, past president of the Arkansas Vocational Association. "I don't think people bought into it," Davidson said of the two-pathway system. There was "widespread fervor" that all students should have the same graduation requirements, he added.

The Arkansas legislature repealed the two-pathway system in 1997, replacing it with a single core curriculum that requires students to have a career focus.

"It eliminated what had been perceived as a less-than-academic track," said Steve Franks, director of Arkansas' Department of Workforce Education. Davidson said the change has been positive for both vocational and general education.

Huckabee, first elected in 1996, also has overseen the creation of a state workforce education board. The new policy-setting board pays greater attention to vocational education than the previous board, which also had responsibility for general education, Davidson said.

But Huckabee's Democratic challenger, attorney Bill Bristow, notes that Arkansas ranks last in median family income and says the situation won't improve unless the state upgrades its workforce training and attracts more high-tech employers.

Bristow recently told the Arkansas Chamber of Commerce the state must improve its worker training programs, including high school and postsecondary vocational-technical education. Community colleges have played a major role in the economic success of North Carolina, a state that is historically similar to Arkansas, Bristow said.

Because of training available at community colleges, North Carolina has attracted telecommunications, auto parts, electronics, plastics, metalworking, customer service and financial jobs, Bristow said. He believes Arkansas should learn how to better utilize community colleges and market their benefits through teachers and high school counselors.

Officials ponder limits on school-to-work in new Perkins Act

Perkins, from page 1

spokeswoman said last week.

"I think the intent was to say you can't take Perkins money and fund the school-to-work act," added Kimberly Green, executive director of the National Association of State Directors of Vocational Technical Education Consortium. Perkins money for national activities, for example, could not fund the national STW office, according to Green's interpretation. "It's more of a prohibition at the national level than at a state or local level."

The provision would affect vocational educators if it meant Perkins funds could not go toward state or local STW activities, Green added. She explained that many activities — such as curriculum integration, professional development and career guidance — can be considered both vocational education and school-to-work.

The language stirred concern among workforce educators when Sen. John Ashcroft (R-Mo.) first proposed it in May as an amendment to the Senate's Workforce Investment Partnership Act (S. 1186). In a move several observers said was aimed at appeasing family values groups that oppose school-to-work, Ashcroft got the Senate to include his amendment that said no workforce bill money could be used for STW activities.

Workforce education officials feared the Ashcroft amendment could nullify vocational education activities that can also be called school-to-work. The Senate later split its bill to give vocational education separate authorizing legislation, and a modified version of Ashcroft's language made it into both the Workforce Investment Act (P.L. 105-220) and the Perkins bill that Congress approved.

Green said Ashcroft's provision has been altered so that it prevents Perkins money from funding the school-to-work act, rather than STW activities. The change should allow vocational educators to continue those activities that fall into both camps, Green said, though she added she is not entirely sure of the future impact. Workforce educators may wonder if they will have to do double paperwork and hold separate vocational education and school-to-work classes, she noted.

But among state vocational directors, Green said, "I haven't heard anybody express any concern about it at this point."

"We're not terribly worried about it," agreed Belinda McCharen, Oklahoma's school-to-work coordinator. As long as students are eligible for Perkins programs, they should be able to continue with worksite learning, career guidance and other activities allowed by the vocational education bill, she said.

The new Perkins Act also says no vocational education funds can be used to require high school students to choose a career path or major, or to provide vocational and technical education to students before seventh grade.

In addition, the bill says Perkins funds cannot be used to mandate that any student take part in a vocational and technical education program, including those that lead to a certificate of mastery.

Green said the bill reinforces that vocational education is a voluntary program and seeks to reassure family values groups that no one will be forced into it.

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New Perkins, Higher Education acts embrace technology training

Two major education bills approved by Congress this session have a common thread: technology.

Congress peppered both the much-awaited Carl D. Perkins Vocational-Technical Education Act (H.R. 1853) and the wide-ranging Higher Education Act (H.R. 6) with references for educators to examine and use technology for activities that include classroom instruction, teacher training, distance learning and communicating with other stakeholders such as businesses.

The Perkins Act, which President Clinton is expected to sign, allows school districts to use federal vocational education funds on activities that include "training vocational and technical personnel to use state-of-the art technology, which may include distance learning." They also can use the funds to teach students the academic and technical skills needed to work in the high-tech and telecommunications field and to encourage schools working with businesses in this field to offer students internships and mentors.

The plug for technology is especially heavy in the tech prep portion of the act. The bill allows tech prep consortia to use technology and distance learning to better link their members together to develop and run programs, which tech prep advocates say is especially helpful in rural areas where consortia partners can sometimes be several hundred miles apart.

"It can be used to help both education and business communicate with each other but also to do professional development," said David Bond, director of the National Tech Prep Network in Waco, Texas.

The new Perkins Act also allows consortia to get technical help from state or local entities with tech prep programs that effectively use technology and distance education in "the delivery of curricula and services and in the articulation process."

Technology and especially distance learning also is mentioned in HEA, which Clinton signed into law last month.

HEA, for example, requires the Education Department to annually evaluate new distance education pilot programs. It also requires the department to report on the number and types of students pursuing certificates and degrees through distance learning.

HEA also creates a new program called "Learning Anytime Anywhere Partnerships" to enhance the delivery, quality and accountability of distance learning programs and authorizes $10 million for it for fiscal 1999. The new law also authorizes the department to award grants to develop and assess distance learning programs or innovative software.

Beyond that, HEA provides grants to promote strong teachers and keep them up to date on new teaching technologies.

Tribal schools get large piece of voc ed's funding increase

Tribally controlled postsecondary vocational schools make up a small part of the federal vocational education budget, but Congress decided to give them a big chunk of vocational education's fiscal 1999 funding increase.

In the wake of the $1 million increase Congress approved last month, one of the two Native American schools — Crown Point Institute of Technology in New Mexico — plans to upgrade some of its one-year certificate programs to two-year associate's degrees.

In fiscal 1998, tribally controlled postsecondary vocational institutions accounted for $3.1 million in the nearly $1.15 billion vocational education budget, or about a third of 1 percent.

For the fiscal year that began Oct. 1, Congress gave vocational education funds a $7.1 million increase. About $1 million — or 14 percent — of that will go to tribally controlled postsecondary schools, pushing their appropriation to $4.1 million.

But there are only two schools in the program: Crown Point and United Tribes Technical College in Bismarck, N.D.

Why give such a big increase to such a small program?

Appropriators were only bringing the tribally controlled postsecondary vocational school budget up to the

See Tribal schools, page 2

Tribally controlled vocational school plans to upgrade programs

Tribal schools, from page 1

level Congress authorized in 1990. The 1990 Carl D. Perkins Vocational and Applied Technology Act authorized $4 million for the program, but Congress never appropriated that much. In fiscal 1998, federal funding for it rose from $2.9 million to $3.1 million.

The new Perkins Act, signed into law last month, authorizes $4 million a year through fiscal 2003.

The schools also have the advantage of being in states represented by two senators who sit on the Senate Appropriations Committee: Sen. Pete Domenici (R-N.M.) and Sen. Byron Dorgan (R-N.D.). Both pushed for the increase, according to their spokesmen.

To be eligible for federal funds, tribally controlled postsecondary vocational schools must offer technical degrees or certificates and must be sanctioned by the governing body of an Indian tribe, according to the Perkins Act.

The Education Department's vocational education office holds a funding competition every five years. For the first competition in the early 1990s, Crown Point and United Tribes were the only two schools to apply. In the most recent competition, four schools applied for funding, but only Crown Point and United Tribes won approval, a department spokeswoman said.

The total number of tribally controlled postsecondary vocational schools (which are not the same as tribally controlled community colleges) is unknown, she added. Crown Point has 609 students, while United Tribes has 336, according to the department.

For Crown Point, a private school chartered by the Navajo Nation in the rural "four corners" region of northwest New Mexico, the funding increase "means we'll be able to expand some of our course offerings," said Jay DeGroat, the school's development officer.

A one-year automotive diesel mechanic certificate program will become a two-year degree in automotive technology, he explained. And the school wants to turn its one-year veterinary assistant program into a two-year veterinary technician program.

The school also plans to expand its culinary arts program to include hospitality, restaurant management and entrepreneurship programs. "Right now, we're just turning out cooks," DeGroat said, but the local labor market includes casinos and hotels that demand a workforce trained in hospitality.

The Navajo Nation anticipates taking over health services for its residents (a program now run by the federal government), so the technology institute wants to upgrade its nursing program, DeGroat added. "Our job is to develop a labor force that will staff some of these health services," he said.

Asked how the tribally controlled schools attracted such a large increase, DeGroat noted that Crown Point has a 91 percent job placement rate and a 96 percent retention rate.

United Tribes officials could not be reached for comment.

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Related Resources from AVA

If you are responsible for administering any aspect of the 1998 Perkins Act, the following resources can help you stay current with requirements of the law, relate Perkins Act provisions to vocational and technical programs in the classroom and lab, and explain the benefits of vocational and technical education to students, parents and community leaders.

Subscription Periodicals

Vocational Education Weekly

This concise, four-page newsletter puts vocational and technical educators in the know about critical developments in Washington as they occur. The Weekly is a 10-minute read that offers sources of educational funding, the lowdown on legislative battles over education policy, updates on program requirements, reports that measure voc ed's effectiveness and deadlines for government grant proposals.

Subscription rates: one year (44 weekly issues) $184 ($164 to AVA members). Two years (88 weekly issues) $350.

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School-To-Work Reporter

This monthly, 12-page newsletter covers the field of career-based education with a special focus on school-to-careers and tech prep. The STW Reporter provides analysis of key federal legislation and workforce issues, with a strong emphasis on model programs, reviews of research, recent grant notices and lots of resource data.

Subscription rates: one year (12 issues) $188 ($165 to AVA members). Two years (24 issues) $357.

Techniques: Making Education and Career Connections

In-depth and at-a-glance articles in this award-winning four-color magazine bring teachers, administrators, counselors and employers up to date on the issues and report on strategies for implementing programs and connecting with students. The content is focused on education that prepares students for career and life success.

Subscription rates: one year (8 issues) $39 domestic; $78 to foreign addresses. Two years (16 issues) $76. (AVA members received Techniques as a membership benefit)

Books

The Official Guide to the Perkins Act of 1998

AVA # BPERKINGU $34.95 ($29.95 to AVA members)

User's Guide to the Workforce Investment Act of 1998

(Coming in January 1999)

AVA# BWIAGUIDE

High-Skill, High-Wage Jobs

by Kristen J. Amundson

A student-friendly guide to more than 50 of the most challenging and best paying jobs on the market, many of which don't require a four-year degree.
AVA# BHIGHSKIL $19.95 ($17.95 to AVA members)

Standards for Our Schools

by Marc S. Tucker & Judy B. Codding

A tough minded yet practical book with a step-by-step plan for instituting high standards for both struggling and high-achieving students. The authors call for providing all students a first-class academic foundation and an excellent professional and technical education for those who want it.
AVA# BSTANDARD $28 ($25 to AVA members)

Teaching the New Basic Schools

by Richrd Murnane & Frank Levy

The authors that many students can get good jobs right out of high school—if they have the skills employers need. They describe those "new basic skills," how students are measuring up and how parents, teachers and employers play a role.
AVA# BTEACHNEW $27 ($23.75 for AVA members)

High School Students Earning College Credit

by Margaret Fincher Ford

A guide to planning, implementing and evaluating dual credit programs between high school and post-secondary institutions.
AVA# BHISCHSTU $17 ($15 for AVA members)

Tech Prep Career Programs

by Carol Fagan & Dan Lumley

A guide to linking your school with community colleges, technical schools and community businesses and providing students with core technical and specialized skills they'll need for career success.

AVA# BTECHPPRO $28.95 ($25.95 to AVA members)

Integrating Academic and Vocational Education: A Model for Secondary Schools

by Alexandra Penn & Dennis Williams

Based on an Academy for Aerospace Technology model program.

AVA# BINTEGACA $12.95 ($10.95 to AVA members)

Making High Schools Work

by Gene Bottoms

Stories of schools that have implemented integrated academic and vocational education programs with the help of the Southern Regional Education Board.

AVA# BMAKINGHS $12.95 ($10.95 to AVA members)

Teaching for Understanding Through Integration of Academic and Technical Education

By Gene Bottoms & Deede Sharpe

A follow-up SREB volume to Making High Schools Work.

AVA# BTEACHUND $11.00 ($10.00 to AVA members)

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To order more copies of the Perkins Guide or any of these publications, follow the instructions below or use the order form on the following page. All these resources are available from AVA Product Sales. (Orders under $50, including shipping, must be prepaid. S&H is $6 for order of $55 or less, 9% of total for order over $55. For a Professional Resources Catalog or other assistance, call toll-free to 800-826-9972.)

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